FEDERAL REGISTER

VOLUME 13 NUMBER 176

Washington, Thursday, September 9, 1948

TITLE 3—THE PRESIDENT

PROCLAMATION 2807

DETERMINING THE DRUG KETO-BEMIDONE TO BE AN OPIATE

BY THE PRESIDENT OF THE UNITED STATES OF AMERICA

A PROCLAMATION

WHEREAS section 3228 (f) of the Internal Revenue Code provides in part as follows:

(f) OPIATE.—The word "opiate" as used in this part and subchapter A of chapter 23 shall mean any drug (as defined in the Federal Food, Drug and Cosmetic Act) found by the Secretary of the Treasury, after due notice and opportunity for public hearing, to have an addiction-forming or addiction-sustaining liability similar to morphine or cocaine, and proclaimed by the President to have been so found by the Secretary.;

AND WHEREAS the Secretary of the Treasury, after due notice and opportunity for public hearing, has found the drug Keto-bemidone [4-(3-hydroxyphenyl)-1-methyl-4-piperidyl ethyl ketone hydrochloride] to have an addiction-forming and addiction-sustaining liability similar to morphine, and that in the public interest this finding should be effective immediately:

NOW, THEREFORE, I, HARRY S. TRUMAN, President of the United States of America, do hereby proclaim that the Secretary of the Treasury has found the drug Keto-bemidone [4-(3-hydroxyphenyl)-1-methyl-4-piperidyl ethyl ketone hydrochloride] to have an addiction-forming and addiction-sustaining liability similar to morphine, and that in the public interest this finding should be effective immediately.

IN WITNESS WHEREOF, I have hereunto set my hand and caused the Seal of the United States to be affixed.

DONE at the City of Washington this fourth day of September in the year of our Lord nineteen hundred and forty-eight, and of the Independence of the United States of America the one hundred and seventy-third.

[SEAL]

HARRY S. TRUMAN

By the President:

G. C. MARSHALL,
Secretary of State.

[F. R. Doc. 48-8140; Filed, Sept. 7, 1948; 4:39 p. m.]

PROCLAMATION 2808

POSTPONING THE EFFECTIVE DATE OF PROCLAMATION NO. 2775 OF MARCH 26, 1948, PRESCRIBING CHANGES IN PANAMA CANAL TOLL RATES

BY THE PRESIDENT OF THE UNITED STATES OF AMERICA

A PROCLAMATION

WHEREAS section 411 of title 2 of the Canal Zone Code, approved June 19, 1934, authorizes the President to prescribe and from time to time change the tolls that shall be levied by the Government of the United States for the use of the Panama Canal, and provides that no tolls when so prescribed shall be changed unless six months' notice thereof is given by the President by proclamation; and

WHEREAS increased tolls were prescribed by Proclamation No. 2775 of March 26, 1948, the said proclamation to become effective on October 1, 1948; and

WHEREAS it now appears that the Congress may be called upon to give consideration to the entire question of the cost of operation of the Panama Canal and the tolls to be levied for the use thereof; and

WHEREAS it appears consistent with the public interest to postpone the effective date of the said Proclamation No. 2775 until April 1, 1949, so as to permit continuance of the present tolls until the Congress shall have had opportunity for such consideration:

(Continued on p. 5231)

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THE PRESIDENT

EXECUTIVE AGENCIES

FEDERAL REGISTER

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CODIFICATION GUIDE

A numerical list of the parts of the Code of Federal Regulations affected by documents published in this issue. Proposed rules, as opposed to final actions, are identified as such.

CODIFICATION GUIDE—Con.

NOW, THEREFORE, I, HARRY S. TRUMAN, President of the United States of America, acting under and by virtue of the authority vested in me by the aforesaid section 411 of title 2 of the Canal Zone Code, do hereby proclaim that the effective date of the said Proclamation No. 2775 of March 26, 1948, is postponed to, and shall be, April 1, 1949.

IN WITNESS WHEREOF, I have hereunto set my hand and caused the seal of the United States of America to be affixed.

DONE at the City of Washington this seventh day of September in the year of our Lord nineteen hundred and forty-eight, and of the Independence of the United States of America the one hundred and seventy-third.

[SEAL]

HARRY S. TRUMAN

By the President:

G. C. MARSHALL,
Secretary of State.

[F. R. Doc. 48-8162; Filed, Sept. 8, 1948; 11:11 a. m.]

TITLE 5—ADMINISTRATIVE PERSONNEL

Chapter I—Civil Service Commission

PART 24—FORMAL EDUCATION REQUIREMENTS FOR APPOINTMENT TO CERTAIN SCIENTIFIC, TECHNICAL, AND PROFESSIONAL POSITIONS

PART 29—RETIREMENT

MISCELLANEOUS AMENDMENTS

1. Section 24.13 is amended to read as follows:

§ 24.13 *Instructor, school activities (principal, P-3; high school teacher, P-1-2; elementary teacher, P-1), P-210-1-3, Army and Navy civilian schools—*(a) *Educational requirement.* The educational requirements for these positions are the current educational requirements of the States in which the positions are located.

(b) *Duties.* The duties of these positions are to serve as principal or as elementary or high school teacher in Army or Navy schools for children of personnel of the armed forces.

(c) *Knowledge and training requisite for performance of duties.* The enrollment in schools maintained by the Army and the Navy Departments is extremely transient because of the frequent shifting of Army and Navy personnel from one assignment to another. In order that students may transfer from these schools without loss of educational credits, the Army and Navy schools must have approval or certification from the State Board of Education in which the school is located. (There is reciprocity between the States in the acceptance of students from an approved or certified school.) Qualifications of teachers in these schools must, therefore, be the current requirements of the State in which the school is located.

2. The following sections are hereby added:

§ 24.89 *Plant quarantine inspector P-485-1—*(a) *Educational requirement.* Applicants must have successfully completed one of the following:

(1) A full 4-year course in an accredited college or university leading to a bachelor's degree in one of the following subjects: entomology, zoology, botany, plant pathology, mycology, horticulture, or biology; or

(2) Courses in biological science in an accredited college or university, consisting of lectures, recitations, and laboratory work totaling at least 20 semester hours in any one or a combination of the subjects shown under subparagraph (1) of this paragraph; plus additional appropriate experience which, when combined with the above 20 semester hours, will total 4 years of education and experience and give the applicant a technical knowledge comparable to that which would have been acquired through successful completion of a 4-year college course.

(b) *Duties.* Plant Quarantine Inspectors perform inspectional duties in connection with the various plant quarantines at ports of entry and make inspections of imported foreign plant material for injurious foreign insect pests and plant diseases.

(c) *Knowledge and training requisite for performance of duties.* The duties of Plant Quarantine Inspector cannot be successfully performed without a knowledge of the plant quarantines and regulations and a scientific knowledge of plants, plant pests, and plant diseases. This knowledge and training can be gained only through a directed course of study in an accredited college or university with scientific libraries, well-equipped laboratories, and thoroughly trained instructors, where guidance is expertly given and progress is competently evaluated.

§ 24.90 *Entomologist P-430-1—*(a) *Educational requirement.* Applicants must have successfully completed one of the following:

(1) A full 4-year course in an accredited college or university leading to a bachelor's degree with major study in entomology; or

(2) Courses in entomology in an accredited college or university, consisting of lectures, recitations, and laboratory work totaling at least 12 semester hours; fundamental courses in other biological and physical sciences (exclusive of applied sciences sluch as game management, horticulture, fish culture, animal husbandry, etc.) totaling 15 semester hours; plus additional appropriate education or experience which, when combined with the 12 hours in entomology and 15 hours in biological and physical sciences, will total 4 years of education and experience and give the applicant a technical knowledge comparable to that which would have been acquired through successful completion of a 4-year college course.

(b) *Duties.* Entomologists assist in field and laboratory research or other scientific or professional work on the control of insects affecting crops or on the utilization of beneficial insects and perform related duties.

(c) *Knowledge and training requisite for performance of duties.*

NOTE: The provisions of § 24.36 (b), (c), (d), and (e) are applicable to this section.

3. The following subparagraph of this section is hereby revoked: Section 24.36 (a) (19) *Entomologist.*

(Sec. 5, 58 Stat. 388; 5 U. S. C. Sup. 854)

4. The second sentence of paragraph (a) of § 29.8 is amended to read as follows:

§ 29.8 *Military service.* (a) * * * The only exception occurs in case the employee is receiving retired pay awarded for reasons other than service-connected disability incurred in combat with an enemy of the United States or by explosion of an instrument of war, or awarded under Title III of the act of June 29, 1948, Public Law 810, 80th Congress.

(Sec. 17, 46 Stat. 478; 5 U. S. C. 709; Pub. Law 810, 80th Cong.)

UNITED STATES CIVIL SERVICE COMMISSION,

[SEAL] L. A. MOYER,
Executive Director and Chief Examiner.

[F. R. Doc. 48-8064; Filed, Sept. 8, 1948; 8:46 a. m.]

TITLE 12—BANKS AND BANKING

Chapter II—Federal Reserve System

Subchapter A—Board of Governors of Federal Reserve System

PART 224—DISCOUNT RATES

Pursuant to section 14 (d) of the Federal Reserve Act, and for the purpose of adjusting discount rates with a view of accommodating commerce and business in accordance with other related rates and the general credit situation of the country, Part 224 is amended to read as follows:

Sec.
224.1 Introduction.
224.2 Advances and discounts for member banks under sections 13 and 13a.
224.3 Advances to member banks under section 10 (b).
224.4 Advances to persons other than member banks.
224.5 Buying rates on bills.
224.6 Rates to industrial or commercial businesses under section 13b.
224.7 Rates to financing institutions under section 13b.
224.8 Findings.

AUTHORITY: §§ 224.1 to 224.8, inclusive, issued under sec. 14 (d), 38 Stat. 264, as amended by 41 Stat. 550, 42 Stat. 1480 and 49 Stat. 704, 706; 12 U. S. C. 357.

§ 224.1 *Introduction.* The following are the rates to be charged by the Federal Reserve Banks as established by such Banks and as reviewed and determined by the Board of Governors of the Federal Reserve System, pursuant to the provisions of section 14 (d) of the Fed-

eral Reserve Act. All rates are stated in per cent per annum. Except as otherwise provided, these rates are effective immediately.

§ 224.2 *Advances and discounts for member banks under sections 13 and 13a.* The rates for all advances and discounts under section 13 and 13a of the Federal Reserve Act (except advances under the last paragraph of such section 13 to individuals, partnerships or corporations other than member banks) are:

Federal Reserve Bank of—	Rate	Effective
Boston	1½	Aug. 13, 1948
New York	1½	Do.
Philadelphia	1½	Aug. 23, 1948
Cleveland	1½	Aug. 13, 1948
Richmond	1½	Do.
Atlanta	1½	Do.
Chicago	1½	Do.
St. Louis	1½	Aug. 19, 1948
Minneapolis	1½	Aug. 13, 1948
Kansas City	1½	Aug. 16, 1948
Dallas	1½	Aug. 13, 1948
San Francisco	1½	Do.

§ 224.3 *Advances to member banks under section 10 (b).* The rates for advances to member banks under section 10 (b) of the Federal Reserve Act are:

Federal Reserve Bank of—	Rate	Effective
Boston	2	Aug. 13, 1948
New York	2	Do.
Philadelphia	2	Aug. 23, 1948
Cleveland	2	Aug. 13, 1948
Richmond	2	Do.
Atlanta	2	Do.
Chicago	2	Do.
St. Louis	2	Aug. 19, 1948
Minneapolis	2	Aug. 13, 1948
Kansas City	2	Aug. 16, 1948
Dallas	2	Aug. 13, 1948
San Francisco	2	Do.

§ 224.4 *Advances to persons other than member banks.* The rates for advances to individuals, partnerships or corporations other than member banks secured by direct obligations of the United States under the last paragraph of section 13 of the Federal Reserve Act are:

Federal Reserve Bank of—	Rate	Effective
Boston	2½	Jan. 14, 1948
New York	2½	Apr. 6, 1946
Philadelphia	2½	Aug. 23, 1948
Cleveland	2½	Aug. 13, 1948
Richmond	2½	Mar. 16, 1946
Atlanta	2½	Jan. 24, 1948
Chicago	2¾	Aug. 13, 1948
St. Louis	2½	Jan. 12, 1948
Minneapolis	2¾	Aug. 23, 1948
Kansas City	2½	Jan. 19, 1948
Dallas	2½	Feb. 14, 1948
San Francisco	2½	Apr. 25, 1946

§ 224.5 *Buying rates on bills.* The minimum buying rates for prime bankers' acceptances [1] are :

[1] Rates shown for bankers' acceptances also apply, with same effective dates, to purchases of Government securities under resale agreement at the following Federal Reserve Banks, Boston, New York, Philadelphia, Cleveland, Chicago, and San Francisco. New York and St. Louis have minimum buying rates on trade acceptances of 1½ per cent and 1¾ per cent, respectively, with same effective dates.

Federal Reserve Bank of—	Rate	Effective
Boston	1½	Aug. 13, 1948
New York	1½	Do.
Philadelphia	1½	Aug. 23, 1948
Cleveland	1½	Aug. 30, 1948
Richmond	1½	Aug. 13, 1948
Atlanta	1½	Do.
Chicago	1½	Do.
St. Louis	1½	Aug. 19, 1948
Minneapolis	1½	Aug. 23, 1948
Kansas City	1½	Aug. 16, 1948
Dallas	1½	Aug. 13, 1948
San Francisco	1½	Aug. 21, 1948

§ 224.6 *Rates to industrial or commercial businesses under section 13b.* The rates to industrial and commercial businesses (including loans made in participation with financial institutions) under section 13b of the Federal Reserve Act are:

Federal Reserve Bank of—	On loans	On commitments	Effective
Boston	2½–5	½–1½	Aug. 13, 1948
New York	2½–5	½–1¾	June 6, 1942
Philadelphia	2½–5	½–1¾	May 20, 1942
Cleveland	2½–5	½–1¾	May 8, 1942
Richmond	2½–5	½–1¾	May 23, 1942
Atlanta	2½–5	½–1¾	May 16, 1942
Chicago	2½–5	¼–1¼	Oct. 5, 1944
St. Louis	3–5	½–1¼	Aug. 19, 1948
Minneapolis	2½–5	½–1¾	May 16, 1942
Kansas City	2½–5	½–1¾	June 6, 1942
Dallas	2½–5	½–1¾	May 16, 1942
San Francisco	2½–5	½–1¾	May 23, 1942

§ 224.7 *Rates to financing institutions under section 13b.* The rates to financing institutions under section 13b of the Federal Reserve Act are:

Federal Reserve Bank of—	On discounts or purchases		On commitments	Effective
	Portion for which institution is obligated	Remaining portion		
Boston	(1)	(3)	½–1½	Aug. 13, 1948
New York	(1)	(3)	½–1¾	June 6, 1942
Philadelphia	(2)	(3)	½–1¾	May 20, 1942
Cleveland	(1)	(3)	½–1¾	Jan. 12, 1948
Richmond	(1)	(3)	½–1¾	May 23, 1942
Atlanta	(1)	(3)	[4] ½–1¾	Aug. 13, 1948
Chicago	2½–5	2½–5	¼–1¼	Oct. 5, 1944
St. Louis	1½–2	(3)	¼–1¼	Aug. 19, 1948
Minneapolis	(1)	(3)	½–1¾	May 16, 1942
Kansas City	(1)	(3)	½–1¾	June 6, 1942
Dallas	(1)	(3)	[4] ½–1¾	May 16, 1942
San Francisco	(1)	(3)	[4] ½–1¾	May 23, 1942

[1] Rate charged borrower less commitment rate.
[2] Rate charged borrower, but not exceeding 1 percent above rate under § 224.2.
[3] Rate charged borrower.
[4] ¼ percent on undisbursed portion of loan.

§ 224.8 *Findings—(a) No notice or public participation; rates effective immediately.* There is no notice or public paricipation when rates now or hereafter specified in this part are reviewed and determined. The Board of Governors of the Federal Reserve System finds that in this situation such notice and public participation are impracticable, unnecessary, and contrary to the public interest for the reasons stated in section 2 (e) of the Board's rules of procedure (§ 262.2 (e) of Part 262), and especially because such proceduce would prevent the action from becoming effective as promptly as necessary, would permit unfair profits, would unreasonably interfere with the necessary actions of the Board would not aid the persons affected, and would otherwise serve no useful purpose. For the same reasons, and good cause found, the effective dates of these rates, as now or hereafter reviewed and determined, are not deferred for 30 days; and except as otherwise provided, such rates are effective immediately.

(b) *Only changes in rates published.* Under section 14 (d) of the Federal Reserve Act, rates must be established at each Federal Reserve Bank every fourteen days, or oftener if deemed necessary by the Board of Governors of the Federal Reserve System. To avoid frequent and unnecessary publication of the fact that an existing rate is continued, only changes in rates will be published; and the fact that no new rate is published means that the existing rate has been continued.

BOARD OF GOVERNORS OF THE FEDERAL RESERVE SYSTEM,
[SEAL] S. R. CARPENTER,
Secretary.

[F. R. Doc. 48-7907; Filed, Sept. 8, 1948; 8:46 a. m.]

TITLE 15—COMMERCE

Chapter V—Weather Bureau, Department of Commerce

PART 502—ORGANIZATION

MISCELLANEOUS AMENDMENTS

Part 502 (15 CFR 1946 Supp., 502; and 15 CFR 1947 Supp., 502) is hereby amended in the following respects:

1. A new § 502.5 is added as follows:

§ 502.5 *Plans and Program Management Office.* Plans and Program Management Office which provides for coordination of administrative and operational functions.

2. Present § 502.5 *Assistant Chief for Administration,* is renumbered to § 502.6.

3. Present §§ 502.6 and 502.7 are changed as follows:

Section 502.6 is renumbered § 502.7 and the title changed from *Assistant Chief for Technical Services* to *Assistant Chief for Operations.*

Section 502.7 is renumbered § 502.8 and the title changed from *Assistant Chief for Scientific Services* to *Assistant Chief for Research and Scientific Services.*

4. Present §§ 502.8 through 502.10 are redesignated as follows: § 502.8 to § 502.9 *Division of Administrative Services;* § 502.9 to § 502.10 *Budget Office;* § 502.10 to § 502.11 *Division of Personnel Management.*

5. Present § 502.11 *Division of Station Operations* is deleted and a new section, designated § 502.12, is substituted therefor as follows:

§ 502.12 *Division of Station Facilities and Meteorological Observations.* Division of Station Facilities and Meteorological Observations which plans, directs, coordinates and implements the basic weather observational program; devises or revises methods, observational aids,

instructions and manuals; develops and applies standards for efficient utilization of equipment and space at field stations; maintains comprehensive station histories classified by types of service programs conducted in the field, and coordinates the several networks of substations (paid and cooperative) to obtain the most effective utilization of part-time observers.

6. Present §§ 502.12 through 502.14 are redesignated as follows: § 502.12 to § 502.13 *Division of Synoptic Reports and Forecasts;* § 502.13 to § 502.14 *Instrument Division;* § 502.14 to § 502.15 *Division of Climatological and Hydrologic Services.*

7. Present § 502.15 is redesignated § 502.16 and the title changed from *Division of Special Scientific Services* to *Division of Scientific Services.*

8. Present §§ 502.16 through 502.19 are redesignated as follows: § 502.16 to § 502.17 *Division of Physical Research;* § 502.17 to § 502.18 *Weather Bureau Station at Washington National Airport;* § 502.18 to § 502.19 *Regional Offices;* and § 502.19 to § 502.20 *Field stations.*

These amendments are effective September 1, 1948.

(R. S. 161; 5 U. S. C. 22)

[SEAL] F. W. REICHELDERFER,
Chief, Weather Bureau.

Approved:

JOHN R. ALISON,
Acting Secretary of Commerce.

[F. R. Doc. 48-8074; Filed, Sept. 8, 1948; 8:49 a. m.]

TITLE 19—CUSTOMS DUTIES

Chapter I—Bureau of Customs, Department of the Treasury

[T. D. 52036]

PART 2—MEASUREMENT OF VESSELS

PART 3—DOCUMENTATION OF VESSELS

MEASUREMENT OF OPEN VESSELS; DOCUMENTATION OF VESSELS, DELETING CERTAIN REFERENCES TO WAR SHIPPING ADMINISTRATION

Sections 2.48, 3.2, 3.60, 3.61, 3.65, 3.66, 3.69, 3.73, Customs Regulations of 1943, amended.

1. Section 2.48, Customs Regulations of 1943 (19 CFR, Cum, Supp., 2.48), is amended as follows:

Paragraphs (b) and (c) are amended to read as follows:

§ 2.48 *Open vessels.* * * *

(b) An open vessel is one of any length without a deck, or with only a partial deck or partial decks, the total length of which is less than one-half her tonnage length.

(c) Further, a vessel having a tonnage length of less than 50 feet and a partial deck of any length or a single full length deck, which, in either case, lies more than one-sixth of the midship depth below the line of the upper edge of the upper strake to the usual point in the hold for taking the register depth, shall, for admeasurement purposes, be deemed an open vessel.

(R. S. 161, sec. 3, 23 Stat. 119, R. S. 4153, as amended, sec. 4, 28, Stat. 743; 5 U. S. C. 22, 46 U. S. C. 3, 77, 79. Sec. 102, Reorg. Plan No. 3 of 1946; 3 CFR, 1946 Supp., Ch. IV)

2. Part 3, Customs Regulations of 1943 (19 CFR, Cum. Supp., Part 3), is amended as follows:

Section 3.2 (c) is amended by deleting "or the War Shipping Administration" from the "Class 10" subdivision.

Section 3.60 (a) is amended by deleting "or the War Shipping Administration."

Section 3.61 (a) is amended by deleting "or the War Shipping Administration."

Section 3.65 is amended as follows:

Paragraph (a) is amended by deleting "or the War Shipping Administration."

Subparagraph (1) of paragraph (a) is amended by deleting "or the United States represented by the War Shipping Administration."

Section 3.66 is amended by deleting "or the War Shipping Administration" and "or the Administration" wherever used in that section.

Section 3.69 is amended by deleting "or the War Shipping Administration."

Section 3.73 is amended by deleting ", of" after the word "master"; by substituting in lieu thereof the word "or"; and by deleting ", or of the War Shipping Administration."

(R. S. 161, sec. 2, 3, 23 Stat. 118, 119, sec. 5, 55 Stat. 244, as amended, sec. 202, 60 Stat. 501; 5 U. S. C. 22, 46 U. S. C. 2, 3, 50 U. S. C. App. 1275, 1291 note. Sec. 102, Reorg. Plan No. 3 of 1946; 3 CFR, 1946 Supp., Ch. IV)

[SEAL] W. R. JOHNSON,
Acting Commissioner of Customs.

Approved: August 31, 1948.

JOHN S. GRAHAM,
Acting Secretary of the Treasury.

[F. R. Doc. 48-8089; Filed, Sept. 8, 1948; 8:54 a. m.]

[T. D. 52038]

PART 4—VESSELS IN FOREIGN AND DOMESTIC TRADE

CREW PURCHASES AND STORES; INCLUSION IN MANIFEST

Sections 4.85 (b) and (d) and 4.87 (b) and (d), as amended by T. D. 51912, relating to manifesting, amended.

1. Section 4.85 (b), Customs Regulations of 1943 (19 CFR, Cum. Supp., 4.85 (b)), is hereby amended to read as follows:

§ 4.85 *Vessels with residue cargo for domestic ports.* * * *

(b) When applying for clearance from the port of first arrival, the master of the vessel shall present to the collector a manifest in duplicate of all the foreign cargo then retained on board for delivery at other domestic or foreign ports. This manifest, referred to hereinafter as an abstract manifest, may be a legible copy of the complete inward foreign manifest with the items deleted which cover cargo previously discharged.

2. Section 4.85 (d), Customs Regulations of 1943 (19 CFR, Cum. Supp., 4.85 (d)), is hereby amended to read as follows:

(d) On arrival at the next and each succeeding domestic port, the master shall report arrival and make entry within 24 hours by presenting both abstract manifests received by him on clearance from the last port with the Form 1385 attached, duplicate lists of all unentered articles acquired abroad by the officers and crew of the vessel which are still retained on board and of the stores on board, and the traveling manifest with Form 3221 attached.[117] He shall also file his oath on customs Form 3251. No additional vessel bond on customs Form 7567 or 7569 need be filed. Upon each departure for another domestic port, the same procedure shall be followed as on departure from the port of first arrival, except that the collector may endorse on the new certificate on customs Form 3221 attached to the traveling manifest at each such port the following notation:

For foreign ports and dates of departure therefrom see attached Form 3221 issued at ----------, the first domestic port of entry. These movements shall be recorded as foreign transactions.

(R. S. 161, 251, secs. 439, 442, 443, 444, 624, 46 Stat. 712, 713, 759; 5 U. S. C. 22, 19 U. S. C. 66, 1439, 1442, 1443, 1444, 1624)

3. Section 4.87 (b), Customs Regulations of 1943 (19 CFR, Cum. Supp., 4.87 (b)), is hereby amended to read as follows:

§ 4.87 *Vessels proceeding foreign via domestic ports.* * * *

(b) When applying for a clearance from the first and each succeeding port of lading, except the final port of departure from the United States, the master of the vessel shall present to the collector a manifest in duplicate on customs Form 1374 of all the cargo laden on board for export with the port of lading indicated for each item.

4. Section 4.87 (d), Customs Regulations of 1943 (19 CFR, Cum. Supp., 4.87 (d)), as amended by T. D. 51912, is further amended by deleting the second sentence and substituting the following: "He shall also make entry within 48 hours by presenting the vessel's document, the certified manifest received by him upon clearance from the last port, and duplicate lists of all unentered articles acquired abroad by the officers and crew of the vessel which are still retained on board and of the stores on board."

(R. S. 161, sec. 2, 23 Stat. 118, R. S. 4197, as amended, 4200, as amended, 4367, 4368, secs. 433, 435, 437, 624, 46 Stat. 711, 759; 5 U. S. C. 22, 19 U. S. C. 1433, 1435, 1437, 1624, 46 U. S. C. 2, 91, 92, 313, 314)

[SEAL] W. R. JOHNSON,
Acting Commissioner of Customs.

Approved: August 31, 1948.

JOHN S. GRAHAM,
Acting Secretary of the Treasury.

[F. R. Doc. 48-8085; Filed, Sept. 8, 1948; 8:53 a. m.]

[T. D. 52035]

PART 5—CUSTOMS RELATIONS WITH CONTIGUOUS FOREIGN TERRITORY

EXAMINATION OF BAGGAGE IN FOREIGN TERRITORY

Section 5.5 (a), Customs Regulations of 1943, relating to examination of baggage in foreign territory, amended.

Section 5.5 (a), Customs Regulations of 1943 (19 CFR, Cum. Supp., 5.5 (a)), is hereby amended by changing the period after the first sentence to a comma and adding the following: "but, except as to baggage being forwarded under baggage check, such examination shall not be made of baggage containing articles for which the $100 or $300 exemption is claimed under paragraph 1798, Tariff Act of 1930, as amended."

(R. S. 251, sec. 624, 46 Stat. 759; 19 U. S. C. 66, 1624)

[SEAL] FRANK DOW,
Acting Commissioner of Customs.

Approved: August 31, 1948.

JOHN S. GRAHAM,
Acting Secretary of the Treasury.

[F. R. Doc. 48-8087; Filed, Sept. 8, 1948; 8:53 a. m.]

[T. D. 52033]

PART 10—ARTICLES CONDITIONALLY FREE, SUBJECT TO A REDUCED RATE, ETC.

PART 23—ENFORCEMENT OF CUSTOMS AND NAVIGATION LAWS

LIQUIDATED DAMAGES AND PENALTIES

1. Section 10.39, Customs Regulations of 1943 (19 CFR, Cum. Supp., 10.39), (as amended by T. D. 51868), is hereby amended by deleting the last sentence of paragraph (d) and the parenthetical matter at the end thereof and by adding two new paragraphs designated (e) and (f) reading as follows:

§ 10.39 *Cancellation of bonds.* * * *

(e) If a written application for relief is timely filed, it shall be transmitted to the Bureau with a full report of the facts, unless it is allowed by the collector in whole or in part in accordance with this regulation. If the full amount of liquidated damages demanded does not exceed $1,000, or $2,000 in the case of articles entered under section 308 (5), and the collector is satisfied that the importation was properly entered under paragraph 1607 or section 308, and that there was no intent to defraud the revenue or delay the payment of duty, the collector may cancel the liability for the payment of liquidated damages as follows:

(1) If the articles in respect of which there was a default was entered under section 308 (1) or (5) and evidence is furnished which satisfies the collector that the article would have been entitled to free entry as domestic products exported and returned had the evidence been furnished at the time of entry, without the collection of liquidated damages.

(2) If the merchandise in respect of which there was a default has been exported or destroyed under customs supervision but not within the bond period, upon the payment of such lesser amount as the collector may deem appropriate under the law and in view of the circumstances, or without the collection of liquidated damages if the collector is satisfied that the delay in exportation or destruction was for the benefit of the United States or was occasioned wholly by circumstances reasonably beyond the control of the parties concerned and which could not have been anticipated by a reasonably prudent person.

(3) If the merchandise in respect of which there was a default was exported or destroyed within the bond period but not under customs supervision and satisfactory documentary evidence of actual exportation, such as a foreign landing certificate, or of death or other complete destruction, such as a veterinarian's certificate or affidavits of two disinterested witnesses, are furnished together with a complete explanation by the applicant of the failure to obtain customs supervision, upon the payment of such lesser amount as the collector may deem appropriate under the law and in view of the circumstances, or without the collection of liquidated damages if the collector is satisfied that the merchandise was destroyed under circumstances which precluded any arrangement to obtain customs supervision.

(4) If there has been compliance with the terms of the bond in respect of part of but not all the articles and the default with respect to the other articles is not within the purview of subparagraphs (1), (2), or (3) of this section, upon the payment of an amount equal to one and one-quarter times the duty on the articles not disposed of in compliance with the bond.

(5) In any case involving articles entered under paragraph 1607 or section 308, upon the payment of an amount equal to one and one-quarter times the duties which would have accrued on the articles had they been entered under an ordinary consumption entry, if such amount is determined to be less than the full amount of the bond.

(f) If the collector believes that greater relief is warranted in any case than he is authorized to grant by paragraph (e) of this section, he shall forward the application to the Bureau with a full report on the case. If the applicant is not satisfied with a collector's action under paragraph (e) of this section and submits a supplemental application, both the original and the supplemental applications shall be transmitted to the Bureau with a full report on the case. (Pars. 1607, 1747, 1808; sec. 201, 46 Stat. 673, 680, 684, sec. 308, 46 Stat. 690, sec. 4, 52 Stat. 1079, sec. 30, 52 Stat. 1089, sec. 624, 46 Stat. 759; 19 U. S. C. 1201, 1308, 1623, 1624)

2. Section 23.25, Customs Regulations of 1943 (19 CFR, Cum. Supp., 23.25), is hereby amended as follows:

Paragraph (b) is amended by deleting "$50" and "$200" and inserting in lieu thereof $100" and "$500", respectively.

Paragraph (c) is redesignated "(d)" and a new paragraph (c) is inserted reading as follows:

§ 23.25 *Remission or mitigation by collectors.* * * *

(c) When an article admitted without bond under section 308 (5), Tariff Act of 1930, is not exported nor entered under bond within the time allowed by law or is exported without proper customs clearance and the collector of customs concerned is satisfied (i) that the article was properly admitted under section 308 (5) without bond, and (ii) that there was no intent to defraud the revenue or delay the payment of duty, the collector may remit the accrued forfeiture or close the case under the following circumstances subject to the conditions specified:

(1) If the article has not been exported, but the collector is satisfied that the owner intends to export it within 1 year from the date of its admission, upon the filing of a 6-months' bond entry, which the collector may extend for 6 months pursuant to § 10.37, as amended.

(2) If the article has not been, and will not be, exported, upon the payment of an amount equal to one and one-quarter times the duty on the article based on its value at the time of admission, or without the collection of a penalty if exportation of the article or entry under bond was prevented by destruction by casualty, or in the event of partial destruction, upon payment of an amount equal to the duty on the article based on its salvage value.

(3) If the value of the article does not exceed $2,000 and the collector is satisfied by the production of a foreign landing certificate or other convincing evidence that the article was exported within 90 days after the expiration of the time during which exaction of a bond was deferred, upon the payment of $10, or without the collection of a penalty if the collector is satisfied that the delay in exportation was due to circumstances reasonably beyond the control of the party in interest and which could not have been anticipated by a reasonably prudent person.

(4) If evidence is produced before the expiration of 90 days after the time during which exaction of a bond was deferred and such evidence satisfies the collector that the article, whether exported or not, would have been entitled to free entry as a domestic product exported and returned had it been so entered, upon the payment of $10.

(5) If the collector is satisfied by the production of a foreign landing certificate or other convincing evidence that the article was actually exported within the time limit, without the collection of a penalty.

The parenthetical matter following paragraph (c) (redesignated (d)) is amended to read as follows: "(Sec. 3, 44 Stat. 1382, R. S. 251, secs. 618, 624, 643, 46 Stat. 757, 759, 761; 5 U. S. C. 281b, 19 U. S. C. 66, 1618, 1624, 1643)"

[SEAL] W. R. JOHNSON,
Acting Commissioner of Customs.

Approved: August 31, 1948.

JOHN S. GRAHAM,
Acting Secretary of the Treasury.

[F. R. Doc. 48-8088; Filed, Sept. 8, 1948; 8:54 a. m.]

[T. D. 52037]

PART 22—DRAWBACK

DRAWBACK ON AIRCRAFT

Sections 22.1, 22.3 (b), 22.4 (g), 22.7 (c), and 22.16 (f), Customs Regulations of 1943, relating to aircraft manufactured or produced under section 313 (g), Tariff Act of 1930, amended.

Part 22, Customs Regulations of 1943 (19 CFR, Cum. Supp., Part 22), is hereby amended as follows:

Section 22.1 is amended by inserting "and aircraft" after "vessels" and by amending footnote 3 by inserting "or aircraft" after "vessels" and "vessel" wherever appearing therein.

Section 22.3 (b) is amended by inserting "or aircraft" after "vessel" wherever appearing therein.

Section 22.4 (g) is amended by inserting "or aircraft" after "vessel" wherever appearing therein.

Section 22.7 (c) is amended by inserting "under section 313 (a), Tariff Act of 1930," after "claimed".

Section 22.16 (f) is amended by inserting "or aircraft upon which drawback is to be claimed under section 313 (g), Tariff Act of 1930," after the comma following the word "vessel" where that word first appears, and by inserting "or aircraft" after "vessel" wherever thereafter appearing therein.

(Sec. 6, 32 Stat. 55, sec. 313, 46 Stat. 693, secs. 402, 403, 49 Stat. 1960, sec. 624, 46 Stat. 759, sec. 644, 46 Stat. 761; 19 U. S. C. 152a, 1313, 1624, 1644)

[SEAL] W. R. JOHNSON,
Acting Commissioner of Customs.

Approved: August 31, 1948.

JOHN S. GRAHAM,
Acting Secretary of the Treasury.

[F. R. Doc. 48-8086; Filed, Sept. 8, 1948; 8:53 a. m.]

TITLE 21—FOOD AND DRUGS

Chapter II—Bureau of Narcotics, Department of the Treasury

FINDING WITH REGARD TO DRUG KETO-BEMIDONE

CROSS REFERENCE: For order proclaiming and making effective the finding of the Secretary of the Treasury with regard to the drug keto-bemidone having addiction-forming and addiction-sustaining liability similar to morphine, see Proclamation 2807, *supra*.

TITLE 24—HOUSING CREDIT

Chapter VII—Housing and Home Finance Agency

PART 751—ESTABLISHING THE GENERAL RESPONSIBILITIES AND ORGANIZATION OF THE OFFICE OF THE ADMINISTRATOR, HOUSING AND HOME FINANCE AGENCY, INCLUDING DELEGATIONS OF FINAL AUTHORITY

SUBPART C—DELEGATION OF AUTHORITY

Section 751.8 is hereby amended to read as follows:

§ 751.8 *Designation of Acting Administrator.* (a) Pursuant to the provisions of Reorganization Plan No. 3 of 1947, and Public Law 600, 79th Congress, the officials of the Housing and Home Finance Agency hereinafter named and in the order in which they are named are hereby designated to act in the place and stead of the Housing and Home Finance Administrator with the title of "Acting Administrator" with all the powers, duties, and rights conferred upon the said Administrator by Reorganization Plan No. 3, the Housing Act of 1948, the Lanham Act (54 Stat. 1125, as amended, 42 U. S. C. Sup. 1521), and any other act of Congress or Executive Order, in the event of the absence, illness, or inability of the Administrator to act, and all such powers, duties, and rights are hereby delegated to such officials in such order and for such period as the Administrator may be absent from Washington, D. C., or unable to perform his official functions.

(b) The following named officials, and designated in the following order, shall have authority to act as "Acting Administrator", but no official shall have authority to act as "Acting Administrator" unless all those whose names appear before his are absent from their official post and unable to act:

(1) B. T. Fitzpatrick, Assistant Administrator (Program) and General Counsel

(2) Joseph H. Orendorff, Acting Assistant Administrator (Lanham Act)

(3) Lewis E. Williams, Acting Assistant Administrator (Administration)

(61 Stat. 954; Pub. Law 600, 79th Cong.)

Issued this 3d day of September 1948.

RAYMOND M. FOLEY,
Administrator.

[F. R. Doc. 48-8070; Filed, Sept. 8, 1948; 8:47 a. m.]

TITLE 35—PANAMA CANAL

Chapter I—Canal Zone Regulations

PART 27—TOLLS FOR USE OF CANAL

RATES OF TOLL

CROSS REFERENCE: For order postponing the effective date of Proclamation 2775, which changed the rates of toll for use of the Panama Canal prescribed by Proclamation 2247, as amended by Proclamation 2249, codified in § 27.1, see Proclamation 2808, *supra*.

TITLE 38—PENSIONS, BONUSES, AND VETERANS' RELIEF

Chapter I—Veterans' Administration

PART 1—GENERAL PROVISIONS

MISCELLANEOUS AMENDMENTS

1. In Part 1, a new subdivision (xi) is added to § 1.513 (b) (1) to read as follows:

§ 1.513 *Disclosure of information contained in military and naval service and related medical records received by the Veterans' Administration from the national military establishment.* * * *

(b) *Medical records.* * * *

(1) * * *

(xi) Health and social agencies; on the authority of the veteran or his duly authorized representative.

2. In Part 1, § 1.525 (b) and (c) are amended to read as follows:

§ 1.525 *Inspection of records by or disclosure of information to recognized representatives of organizations.* (a) (1) * * *

(b) (1) Inspection of folders by accredited representatives shall be in space assigned for such inspection; however, where space or other local problems make it impractical to assign space for this purpose the Assistant Administrator or comparable official concerned in Central Office or the Deputy Administrator or Manager at the particular office affected may permit inspection of folders at the desks of the accredited representatives in the office(s) which they regularly occupy. Deputy Administrators and Managers and Directors of the Services concerned in Central Office will designate and assign, in or near the space occupied by accredited representatives, one or more employees to whom the folders will be charged and who will at all times know and have a record of the location of such folders during the time they are made available for inspection by the accredited representatives.

(2) When it is necessary that folders which are being inspected by accredited representatives be carried elsewhere within the installation for purposes of official discussion or presentation of claims, such folders shall be carried by Veterans' Administration employees; however, where it is not feasible to use Veterans' Administration employees for these purposes, the Deputy Administrator or Manager or the Director of the Service concerned in Central Office may permit the folders to be carried by the accredited representatives, provided the designated Veterans' Administration employee to whom the folders are charged is at all time kept informed of their location.

* * * * *

(4) Clinical records and medical files, including files for outpatient treatment, may be inspected by accredited representatives only to the extent such records or parts thereof are incorporated in the claims folder, or are made available to Veterans' Administration personnel in the adjudication of the claim. Records or data in clinical or medical files which are not incorporated in the claims folder or which are not made available to Veterans' Administration personnel for adjudication purposes will not be inspected by anyone other than those employees of the Veterans' Administration whose duties require same for the purpose of clinical diagnosis or medical treatment.

* * * * *

(c) Deputy Administrators and Managers and the Directors of the Services concerned in Central Office will be responsible for the administrative compliance with and accomplishment of the foregoing within their jurisdiction, and

any violations of the prescribed conditions for inspection of files will be brought to the immediate attention of the Administrator.

(R. S. 471, 43 Stat. 607, 608, 46 Stat. 1016; 38 U. S. C. 2, 11, 11a, 421, 426)

[SEAL] O. W. CLARK,
Executive Assistant Administrator of Veterans' Affairs.

[F. R. Doc. 48-8072; Filed, Sept. 7, 1948; 8:52 a. m.]

TITLE 45—PUBLIC WELFARE

Chapter VI—Office of Vocational Rehabilitation, Federal Security Agency

PART 602—VENDING STAND PROGRAM FOR THE BLIND IN FEDERAL AND OTHER BUILDINGS

Pursuant to the authority conferred by Public Law 732, 74th Congress, approved June 20, 1936 (49 Stat. 1559) and Sec. 6, Reorganization Plan No. 2 of 1946, 11 F. R. 7873, the following regulations are prescribed with respect to the designation of State Agencies for the licensing of blind persons to operate vending stands in Federal and other buildings.

Sec.

AUTHORITY: §§ 602.1 to 602.18 inclusive, issued under Sec. 2 (a), 49 Stat. 1559; 20 U. S. C. 107 (a); and Sec. 6, 60 Stat. 1095; 5 U. S. C. 133y-16.

§ 602.1 *Terms.* Unless otherwise herein specifically indicated, the terms listed below are defined as follows:

(a) "Act" means Public Law 732, approved June 20, 1936, enacted by the 74th Congress, and usually referred to as the "Randolph-Sheppard Act."

(b) "Administrator" means the Federal Security Administrator.

(c) "Director" means the Director of the Office of Vocational Rehabilitation.

(d) "Licensing agency" means the State agency designated by the Director, pursuant to the act and these regulations, to issue licenses to blind persons for the operation of vending stands in Federal and other buildings.

(e) "Commission for the Blind" means a State agency which provides services exclusively for the blind and other visually handicapped individuals.

(f) "Program" means all the activities of the licensing agency, pursuant to the act and this part, related to vending stands in Federal and other buildings. Such activities include the determination of the eligibility of blind persons for the operation of such vending stands, the issuance of licenses to such persons, the termination of such licenses, and the provision directly or indirectly of such administrative and supervisory services as may be necessary to achieve the purposes of the act.

(g) "Federal buildings" means buildings owned by the Federal Government and those buildings or portions of other buildings leased or occupied by the Federal Government.

(h) "Other buildings" means nonfederal buildings in which vending stands are established or operated by the use of any funds derived in whole or in part, directly or indirectly, from the operation of vending stands in Federal buildings.

(i) "License" means a written instrument issued by the licensing agency to a blind person, pursuant to the act and this part, authorizing such person to operate a vending stand in a Federal or other building.

(j) "Operator" means a blind person licensed to operate a vending stand in a Federal or other building under the act.

(k) "Vocational Rehabilitation Act" means Public Law 236, 66th Congress, approved June 2, 1920, as amended by Public Law 113, 78th Congress, 1st Session, approved July 6, 1943.

(l) "Vocational rehabilitation services" means those services necessary to render a blind person fit to engage in remunerative employment.

(m) "State Vocational Rehabilitation Agency" means that agency in the State providing vocational rehabilitation services to the blind under a State plan approved pursuant to the provisions of the Vocational Rehabilitation Act.

(n) "Vending stand" means:

(1) Such counters, shelving, display and wall cases, refrigerating apparatus, and other appropriate auxiliary equipment as are necessary for the vending of such articles as may be approved by the Licensing Agency and the Federal Department having control of the building; or,

(2) Automatic coin-operated machines for the vending of such articles.

(o) "Private non-profit organization" means any charitable or civic organization or corporation, no part of the net earnings of which inures to the benefit of any shareholder or individual.

(p) "Private non-profit corporation" means any corporation organized for the promotion of the social and economic welfare of disabled persons, no part of the net earnings of which inures to the benefit of any shareholder or individual and which performs any functions in connection with the program under the direction and control of the State agency.

(q) "Blind person" means an individual having not more than ten percentum visual acuity in the better eye with correction, as certified by a duly licensed physician skilled in the diseases of the human eye.

(r) "State" means a State, Territory, or possession.

(s) "Business Enterprises Program for the Blind" means that program established pursuant to Part 601 of this chapter.

§ 602.2 *Application for designation as licensing agency; general*—(a) *State Agency.* Applications for designation as licensing agency may be submitted only by the Commission for the Blind in each State, *Provided*, That, in any State where there is no such Commission or where such Commission does not desire designation, an application for designation may be submitted by some other public agency of that State.

(b) *Form.* The application shall:

(1) Be submitted in writing to the Director;

(2) Be approved by the Governor of the State; and

(3) Be transmitted over the signature of the executive officer of the State agency making application.

§ 602.3 *Application for designation as licensing agency; contents.* The application shall indicate:

(a) The licensing agency's legal authority to perform the functions necessary for the administration of the program;

(b) The licensing agency's organization for carrying out the program, including, where the licensing agency and the State Vocational Rehabilitation Agency are the same, the relationship between the two programs.

(c) The policies, procedures, and standards to be employed in the selection of suitable locations for vending stands;

(d) The policies to be followed in making suitable vending stands and adequate stocks of merchandise available to operators and the sources of funds to be used therefor;

(e) The sources of funds for the administration of the program;

(f) The policies, procedures, and standards governing the relationship of the licensing agency to the operators, including their selection, duties, supervision, transfer, financial participation, entitlement to health, retirement and other benefits, and training designed to improve their proficiency;

(g) The contents of the cooperative agreement between the licensing agency and the State Vocational Rehabilitation Agency where the licensing agency and the State Vocational Rehabilitation Agency are not the same;

(h) The arrangements made or contemplated, if any, for the utilization of the services of any public agency or private non-profit corporation, the agreements with such agency or corporation and the services to be provided, the procedures for the supervision and control of the services provided by such agency or corporation and methods used in eval-

uating services received, the basis for remuneration to such agency or corporation, and the fiscal controls and accounting procedures;

(i) The arrangements made or contemplated, if any, for the vesting, in accordance with the laws of the State, of the right, title to, and interest in vending stands (exclusive of automatic coin-operated machines) used in the program in another public agency or in a private non-profit organization or corporation designated as the nominee of the licensing agency to hold such right, title, and interest for program purposes.

(j) That the licensing agency will:

(1) Cooperate with the Director in, and will assume full responsibility for, the administration of the program in the State; and

(2) Terminate the license of any operator when it is satisfied that the vending stand is not being operated in accordance with its established rules and regulations.

§ 602.4 *Application for designation as licensing agency; approval.* When the Director determines that the application indicates a plan of program operations which will stimulate and enlarge the economic opportunities for the blind and meets the other requirements of the act and of this part, he shall approve the application and shall designate the applying agency as the licensing agency for that State.

§ 602.5 *Issuance of licenses to individuals.* (a) The licensing agency shall issue licenses only to persons who are determined to be:

(1) Blind;

(2) Citizens of the United States;

(3) At least 21 years of age at the birthday prior to the issuance of the license;

(4) Qualified for the operation of a vending stand through such vocational rehabilitation services as may be necessary.

(b) In issuing licenses for Federal buildings the licensing agency shall give preference to blind persons who are in need of employment and have resided for at least one year in the State in which such vending stand is to be located.

(c) Each license shall be issued for an indefinite period but shall be subject to termination by the licensing agency if, after affording the operator an opportunity for a fair hearing, it finds that the vending stand is not being operated in accordance with its rules and regulations.

(d) Each license for the operation of a vending stand in a Federal building shall be subject to the approval of the Federal agency having charge of the building in which the vending stand is located.

(e) In the case of vending machines, the licenses shall be issued in the name of and for the benefit of the program; *Provided, however,* That, licenses for vending machines installed in buildings where there is an operator may be issued in the name of such operator and regarded as a part of his vending stand.

§ 602.6 *Application for establishment of vending stands.* Prior to the establishment of each vending stand, the licensing agency shall submit to the Director, in accordance with procedures established by him, such information with respect to the location, equipment, and merchandising plan for each such vending stand as may be required by the Director and the Federal department or other agency having charge of the building in which the vending stand is to be located.

§ 602.7 *Rules and regulations of licensing agency.* (a) The licensing agency shall prescribe, as a condition precedent to the issuance of licenses to blind persons for the operation of vending stands in Federal and other buildings under the act and this part, and enforce such rules and regulations as are necessary to enable it to carry out its responsibilities under the act and these regulations, and to assure the conduct of the program and the operation of each vending stand in accordance with the act, this part, and the regulations of the Federal agencies having charge of the building in which the vending stand is located, as well as all applicable State laws and regulations. Copies of such rules and regulations shall be made available to all operators, and adequate steps shall be taken to assure that the meaning thereof is understood by such operators. Copies shall also be submitted to the Office of Vocational Rehabilitation.

(b) Such rules and regulations shall include adequate provisions to assure:

(1) That the right, title to, and interest in vending stands (exclusive of automatic coin-operated machines) used in the program will be vested, in accordance with the laws of the State, in the licensing agency for use and disposition for program purposes only: *Provided,* That, such right, title, and interest may be vested, in accordance with the laws of the State, in another public agency or in a private non-profit organization or corporation where such agency or organization has been designated by the licensing agency as its nominee to hold such right, title, and interest only for program purposes subject to the paramount right of the licensing agency to direct and control the use, transfer, and disposition of such vending stands;

(2) That operators will be selected, on the basis of objective criteria, for licensing from a roster of qualified applicants;

(3) That an opportunity for a fair hearing will be afforded to each operator before final action is taken to terminate or suspend his license or issue a license to him for the operation of a stand producing less income or which may be less suitable for any other reason.

§ 602.8 *Program proceeds.* Except to the extent provided in § 602.9 hereof, all program proceeds derived, directly or indirectly, by the licensing agency from the operations of the program shall be retained by or for the benefit of the program, subject to disbursement under the control and at the direction of the licensing agency only for program purposes. These purposes may include the payment of the pro rata share of the necessary managerial, supervisory, and operating expense, the establishment of a fair minimum return for all operators, the expansion of the program, the preservation and replacement of program assets, and the provision of retirement and other benefits to the operators.

§ 602.9 *Vending stands established under the Business Enterprises Program for the Blind.* With respect to vending stands established with funds from the Business Enterprises Program for the Blind, such vending stands shall be established, managed, controlled, and operated in accordance with the provisions of Part 601 of this chapter, and any program proceeds derived directly or indirectly, from the vending stands thus established shall be held in the manner and for the purposes specified in such regulations with respect to that part of the Business Enterprises Program for the Blind relating to vending stands.

§ 602.10 *Utilization of services of public agency or private non-profit corporation.* (a) If, in the operation of any phase of the program, the licensing agency utilizes the services of a public agency or of a private non-profit corporation, the terms of the agreement between the licensing agency and such agency or corporation shall comply with such standards and contain such provisions as are determined to be necessary to insure the retention by the licensing agency of full responsibility for the management, control, and operation of all phases of the program and to protect the interests of the operators.

(b) The licensing agency shall not enter into any agreement or arrangement with any public agency or private non-profit corporation which will in any way, either directly or indirectly, prejudice, impair, or limit the authority of the licensing agency to take any action deemed by it necessary for the proper and efficient management, control, and operation of the program, including all actions with respect to selection, placement and financial participation of the operators and the preservation, utilization, and disposition of program assets.

§ 602.11 *Maintenance and repair of vending stands.* The licensing agency shall maintain or cause to be maintained all vending stands in good repair and shall replace or cause to be replaced worn-out and obsolete equipment as required to insure the continued successful operation of the stand.

§ 602.12 *Reports.* The licensing agency shall keep the Director informed of any substantial changes in its legal authority, policies, rules and regulations, agreements with all public agencies or non-profit organizations, or other program activities and shall make such reports, in such form, and containing such information, as the Director shall require, and shall comply with such provisions as he shall find necessary to assure the correctness and verification of such reports.

§ 602.13 *Agreements with State Vocational Rehabilitation Agencies.* In the event that the licensing agency is not also the State Vocational Rehabilitation Agency, the licensing agency shall enter into a cooperative agreement with the State Vocational Rehabilitation Agency with respect to the provisions of vocational rehabilitation services to blind persons, who are eligible therefor and

who are in need of such services in order to qualify for licensure in the program.

§ 602.14 *District of Columbia.* The Division of the Federal Office of Vocational Rehabilitation known as the District of Columbia Rehabilitation Service shall be the licensing agency for the District of Columbia, and, to the extent applicable, shall be subject to this part in the administration of the program in the District of Columbia.

§ 602.15 *Revocation of designation as licensing agency.* The Director shall revoke his designation of any licensing agency if he finds, after affording such agency an opportunity for a hearing, as hereinafter provided, that, in the administration of the program, there is a failure on the part of such agency to comply substantially with the provisions of the act and this part.

§ 602.16 *Revocation of designation as licensing agency; procedures.* (a) If the Director has reason to believe that, in the administration of the program, there is a failure on the part of any licensing agency to comply substantially with the act and this part, he shall so inform such agency in writing, setting forth, in detail, the areas in which there is such failure and giving it a reasonable opportunity to comply.

(b) If, after the lapse of a reasonable time, the Director is of the opinion that such failure to comply still continues and that the licensing agency is not taking the necessary steps to comply, he shall offer to such agency, by reasonable notice in writing thereto and to the Governor of the State, an opportunity for a hearing to determine whether there is a failure on the part of such agency to comply substantially with the provisions of the act and this part.

(c) If, after affording the licensing agency such reasonable notice and opportunity for hearing, the Director determines that there is a failure on the part of such agency to comply substantially with the act and this part, he shall, by appropriate written notice to such agency and to the Governor of the State, effective 90 days from the date of such notice, revoke said agency's designation as licensing agency.

(d) If, before the expiration of such 90 days, the Director determines that the licensing agency is taking the necessary steps to comply, he may postpone the effective date of such revocation for such time as he deems necessary for the best interest of the program.

(e) If, prior to the effective date of such revocation, the Director finds that there is no longer a failure on the part of the licensing agency to comply substantially with the provisions of the act and of this part, he shall so notify the agency and the Governor of the State, in which event the revocation of the designation shall not become effective.

§ 602.17 *Revocation of designation as licensing agency; effect.* (a) Effective upon the receipt of the notice of revocation of a State Agency's designation as licensing agency, in accordance with § 602.16 (c), the licensing agency's authority to issue licenses to blind persons for the operation of vending stands in Federal and other buildings under the act and this part shall be suspended, except upon special authorization by the Director.

(b) After the effective date of the revocation of a State Agency's designation as licensing agency, such agency shall have no authority to issue licenses to blind persons for the operation of vending stands in Federal and other buildings under the act and this part.

(c) If, at the expiration of 60 days from the effective date of a revocation of a State Agency's designation as licensing agency, no other agency in the State is designated, pursuant to the provisions of the act and this part, as licensing agency, all licenses issued by the agency whose designation has been revoked shall terminate.

§ 602.18 *Previous designation as licensing agency; effective date of regulations.* (a) Applications for designation as licensing agency submitted to and approved by the Commissioner of Education or the Director prior to the effective date of this part shall have the same force and effect and shall be subject to the same conditions as though submitted and approved under this part, except, that, licensing agencies heretofore designated shall have 150 days from the effective date of this part to comply with the provision of § 602.7 and to submit those materials which are, by this part, required to be submitted as a part of the application for designation as licensing agency but which were not previously required to be thus submitted.

(b) This part shall be effective upon publication in the FEDERAL REGISTER.

Dated: September 1, 1948.

J. DONALD KINGSLEY,
Acting Federal Security Administrator.

[F. R. Doc. 48-8075; Filed, Sept. 8, 1948; 8:49 a. m.]

TITLE 49—TRANSPORTATION AND RAILROADS

Chapter I—Interstate Commerce Commission

[Rev. S. O. 775, Amdt. 4]

PART 95—CAR SERVICE

DEMURRAGE ON RAILROAD FREIGHT CARS

At a session of the Interstate Commerce Commission, Division 3, held at its office in Washington, D. C., on the 2d day of September A. D. 1948.

Upon further consideration of Revised Service Order No. 775 (13 F. R. 2379), as amended (13 F. R. 2569, 2679, 3763), and good cause appearing therefor: It is ordered, that:

§ 95.775 *Demurrage on railroad freight cars.* The provisions of Revised Service Order No. 775 shall not apply to cars on hand at 7:00 a. m., September 3, 1948, or arriving prior to 7:00 a. m., October 1, 1948, the loading or unloading of which is interfered with due to strike of truck men, at any point in the counties of Manhattan, Bronx, Kings, Queens, or Richmond, in the State of New York; and the counties of Bergen, Hudson, Essex, Union, or Middlesex, in the State of New Jersey.

It is further ordered, that a copy of this order and direction shall be served upon each state railroad regulatory body, and upon the Association of American Railroads, Car Service Division, as agent of the railroads subscribing to the car service and per diem agreement under the terms of that agreement; and that notice of this order be given to the general public by depositing a copy in the office of the Secretary of the Commission at Washington, D. C., and by filing it with the Director, Division of the Federal Register.

(40 Stat. 101, sec. 402; 41 Stat. 476; sec. 4; 54 Stat. 901; U. S. C. 1 (10)-(17))

By the Commission, Division 3.

[SEAL] W. P. BARTEL,
Secretary.

[F. R. Doc. 48-8071; Filed, Sept. 8, 1948; 8:48 a. m.]

Chapter II—Office of Defense Transportation

PART 500—CONSERVATION OF RAIL EQUIPMENT

CARLOAD FREIGHT TRAFFIC

CROSS REFERENCE: For an exception to the provisions of the requirements of § 500.72, see Part 520 of this chapter, *infra.*

[Special Direction ODT 18A-1, Amdt. 12]

PART 520—CONSERVATION OF RAIL EQUIPMENT; EXCEPTIONS, PERMITS AND SPECIAL DIRECTIONS

CARLOAD FREIGHT TRAFFIC

Pursuant to the provisions of § 500.73 of General Order ODT 18 A, Revised, as amended, Special Direction ODT 18A-1, as amended (8 F. R. 14481; 9 F. R. 117, 7585; 10 F. R. 12456, 12747; 11 F. R. 9084, 10662, 12183; 12 F. R. 105; 13 F. R. 779, 2174, 2278) is hereby further amended by adding a new item to read as follows:

846. *Sidings.* Composition and prepared, straight or mixed carloads, shall be loaded to a weight not less than 40,000 pounds.

This Amendment 12 to Special Direction ODT 18A-1, as amended, shall become effective September 7, 1948.

(54 Stat. 676, 55 Stat. 236, 56 Stat. 177, 58 Stat. 827, 59 Stat. 658, 60 Stat. 345, 61 Stat. 34, 321, Pub. Laws 395, 606, 80th Cong.; 50 U. S. C. App. 633, 645, 1152; E. O. 8989, Dec. 18, 1941, 6 F. R. 6725; E. O. 9389, Oct. 18, 1943, 8 F. R. 14183; E. O. 9729, May 23, 1946, 11 F. R. 5641; E. O. 9919, Jan. 3, 1948, 13 F. R. 59; General Order ODT 18A, Revised, as amended, 11 F. R. 8229, 8829, 10616, 13320, 14172; 12 F. R. 1034; 2386; 13 F. R. 2971)

Issued at Washington, D. C. this 3d day of September 1948.

C. R. MEGEE,
Director, Railway Transport Department, Office of Defense Transportation.

[F. R. Doc. 48-8077; Filed, Sept. 8, 1948; 8:50 a. m.]

PROPOSED RULE MAKING

DEPARTMENT OF THE TREASURY

Bureau of Internal Revenue

[26 CFR, Part 185]

WAREHOUSING OF DISTILLED SPIRITS

NOTICE OF PROPOSED RULE-MAKING

A notice is hereby given, pursuant to the Administrative Procedure Act, approved June 11, 1946, that the regulations set forth in tentative form below are proposed to be prescribed by the Commissioner of Internal Revenue with the approval of the Secretary of the Treasury. Prior to the final adoption of such regulations, consideration will be given to any data, views, or arguments pertaining thereto which are submitted in writing, in duplicate, to the Commissioner of Internal Revenue, Washington 25, D. C., within the period of 30 days from the date of this notice in the FEDERAL REGISTER. The proposed regulations are to be issued under the authority of sections 2800 (a), 2873, and 3176 of the Internal Revenue Code (U. S. C., title 26, sections 2800 (a), 2873, and 3176).

[SEAL] GEO. J. SCHOENEMAN,
Commissioner of Internal Revenue.

1. Sections 185.9, 185.10, 185.28, 185.78, 185.79, 185.81, 185.82, 185.83, 185.88, 185.89, 185.96, 185.97, 185.99, and 185.231 of Regulations 10 (26 CFR, Part 185) are amended.

2. These amendments are designed to simplify requirements relating to (1) construction and equipment and changes therein, (2) alternate operation of bottling departments of internal revenue bonded warehouses for bottling distilled spirits in bond and bottling after removal from bond and (3) the preparation and filing of qualifying documents; and for other purposes.

§ 185.9 *Walls.* The walls of warehouse buildings or rooms must be securely and substantially constructed. If wood, corrugated iron or tin is used, the same must be applied over solid sheathing for the first 12 feet of height and over solid sheathing or sheathing spaced not greater than 12 inches from board to board for the remaining height. Where substantial sheet metal is used and the sheets are welded together in such a manner as to constitute a solid wall, sheathing may be applied in any manner desired. (Secs. 2873, 3176, I. R. C.)

§ 185.10 *Roofs.* The roofs of warehouse buildings must be securely and substantially constructed. Where corrugated iron or tin is used, the same must be applied over sheathing spaced not greater than 12 inches from board to board. Where substantial sheet metal is used and the sheets are welded together in such manner as to constitute a solid roof, sheathing may be applied in any manner desired. (Secs. 2873, 3176, I. R. C.)

§ 185.28 *Construction of weighing tanks.* Weighing tanks provided for weighing distilled spirits in an internal revenue bonded warehouse shall be constructed of metal and shall be stationary and of uniform dimensions from top to bottom, and each such tank shall be equipped with a suitable measuring device whereby the contents will be correctly indicated. Each weighing tank shall be mounted on accurate scales and shall have plainly and legibly painted thereon the words, "Weighing Tank," followed by its serial number and capacity in wine gallons. The beams or dials of weighing tank scales must indicate weight in 5 pound graduations for scales up to and including 25 tons capacity, in 10 pound graduations for scales exceeding 25 tons capacity but not exceeding 60 tons capacity and in 20 pound graduations for scales having a capacity of more than 60 tons. The inlet and outlet pipe connections of each weighing tank must be fitted with valves so constructed that they can be secured with Government locks, and any other openings in such tanks must also be so constructed that they can be closed and similarly locked. (Secs. 2873, 3176, I. R. C.)

§ 185.78 *Preparation.* Every plat and plan shall be drawn to scale and each sheet thereof shall bear a distinctive title, and the complete name and address of the proprietor, enabling ready identification. The cardinal points of the compass must appear on each sheet, except those of elevational plans. The minimum scale of any plat will not be less than 1/50 inch per foot. Each sheet of the original plat and plans shall be numbered, the first sheet being designated number 1 and the other sheets numbered in consecutive order. Plats and plans shall be submitted on sheets of tracing cloth, opaque cloth or sensitized linen. The dimensions of plats and plans shall be 15 by 20 inches, outside measurement, with a clear margin of at least 1 inch on each side of the drawing, lettering, and writing. Plats and plans may be original drawings, or reproductions made by the "ditto process," or by blue or brown line lithoprint, if such reproductions are clear and distinct. (Secs. 2873, 3176, I. R. C.)

§ 185.79 *Depiction of warehouse premises.* Plats must show the outer boundaries of the warehouse premises by courses and distances, in feet and inches, in a color contrasting with those used for other drawings on the plat, and the point of beginning with respect to its distance and bearings from some near and well-known landmark must be shown. The plat must also contain an accurate depiction of the building or buildings comprising the premises and any drive way, public highway or railroad right of way adjacent thereto or connecting therewith. The depiction of the premises on the plat should agree with the description thereof in the application, Form 27-D. If the premises are separated by a public highway, or railroad right of way, and the tracts of land comprising the premises, or parts thereof, abut on such highway, or right of way, opposite each other, the different tracts will be depicted separately by courses and distances, in feet and inches, and outlined in a color contrasting with those used for other drawings on the plat. If two or more buildings are to be used, they must be shown in their relative positions and the alphabetical designation of each indicated. If the warehouse consists of a room or floor of a building, an outline of the building, the precise location and the dimensions of the room or floor, and the means of ingress from and egress to a public street or yard, shall be shown. All first floor doors of each building will be shown on the plat. Except as provided in § 185.87, all pipe lines leading to or from the premises, the purpose for which used, and the points of origin and termination, will be indicated on the plat. (Secs. 2873, 3176, I. R. C.)

§ 185.81 *Floor plans.* The plans shall include a floor plan of each floor of each building, showing the general dimensions of the rooms and floors and the location of all doors, windows, and other openings and how such openings are protected. If the construction of all floors in a single building is identical, a typical floor plan may be filed in lieu of a separate plan for each floor. All apparatus and equipment, except pipe lines, must be shown in their exact location on the floor plans and their designated use indicated. In the case of tanks and similar equipment, the serial number and capacity shall also be shown. (Secs. 2873, 3176, I. R. C.)

§ 185.82 *Elevational flow diagrams.* Elevational flow diagrams (plans) shall be submitted covering the flow of spirits from the time of receipt on the premises, the deposit in storage tanks and the removal therefrom. Such diagrams shall clearly depict all equipment in its relative operating sequence and elevation by floors with all connecting pipe lines, valves, flanges, measuring devices and attachments for Government locks. The elevation by floors on the diagrams may be indicated by horizontal lines representing floor levels. All major equipment such as storage tanks and weighing tanks must be identified on these plans as to number and use. The elevational flow diagram must be so drawn that all fixed pipe lines, except those indicated by § 185.87, may be readily traced from beginning to end. Other types of drawings that clearly depict the information required herein may be submitted in compliance with this section. (Secs. 2873, 3176, I. R. C.)

§ 185.83 *Elevational plans of buildings.* The plans shall also include an exterior, elevational view of each exposure of each building or room, showing the type of security afforded the openings. The number of stories and the height of each story will be indicated on the elevational plans. In lieu of drawings, the warehouseman may submit a photograph of each exposure of each building in a size not smaller than 7 x 9 inches. The photographs must be in suf-

ficient detail to clearly depict the buildings from the ground to the roof and must be properly identified. Where photographs are submitted, drawings must be furnished to show the security afforded openings within 12 feet of the ground. (Secs. 2873, 3176, I. R .C.)

§ 185.88 *Certificate of accuracy.* The plat and plans shall bear a certificate of accuracy in the lower right hand corner of each sheet signed by the proprietor, the draftsman and the district supervisor substantially in the following form:

(Name of warehouseman)

(Address)
Accuracy certified by

(Name and capacity—for the proprietor)

(Draftsman)
---------- 19___ Sheet No.___
Approved ----------
(Date)

(District supervisor)
IRBW No. ____

(Secs. 2873, 3176, I. R. C.)

§ 185.89 *Revised plats and plans.* The sheets of revised plats and plans shall bear the same number as the sheets superseded but will be given a new date. Any additional plats and plans shall be given a new number in consecutive order or will be otherwise numbered and lettered in such manner as will permit the filing of the plats and plans in proper sequence. (Secs. 2873, 3176, I. R. C.)

§ 185.96 *Changes in premises.* Where the premises are to be extended or curtailed, the proprietor must file with the district supervisor an amended application, Form 27–D, and an amended plat of the premises as extended or curtailed except as herein specifically authorized in the case of alternate operations of the bottling department. If the plans are affected by the extension or curtailment, they must also be amended. The additional premises covered by an extension may not be used for bonded warehouse purposes, and the portion of the warehouse premises to be excluded by curtailment may not be used for other than warehouse purposes, prior to approval of the application, Form 27–D, plat and plans if required, filed in connection therewith. Where an internal revenue bonded warehouse contains a bottling-in-bond department and the documents required by Regulations 6 (26 CFR, Part 188), governing the alternate operation of a bottling house as a bottling-in-bond department and a tax-paid bottling house are filed, and no change in proprietorship is involved, the filing of additional applications, Form 27–D, covering changes in the temporary status thereof from time to time will not be required. Where a warehouse building on distillery premises on which a lien for taxes has attached under section 2800 (e), I. R. C., is demolished or altered, the provisions of Regulations 4 and 5 (26 CFR, Parts 183 and 184) relative to the filing of indemnity bonds will be followed. (Secs. 2873, 3176, I. R. C.)

§ 185.97 *Changes in construction and use.* Where a change is to be made in the construction of a room or building not involving an extension or curtailment of the warehouse premises, or where a change is to be made in the use of any portion of such premises, the proprietor shall first secure approval thereof by the district supervisor pursuant to application, in triplicate, setting forth specifically the proposed changes. Upon approval of the application, the changes will be made under the supervision of a Government officer. The completed changes will be reflected in the next amended application, Form 27–D, and amended plans filed by the warehouseman, unless the district supervisor requires the immediate filing of an amended application and amended plans. (Secs. 2873, 3176, I. R. C.)

§ 185.99 *Amended notice and plans covering changes in equipment.* Upon completion of changes in equipment which materially affect the accuracy of the Form 27–D or plans, the proprietor must file an amended notice and amended plans. Where an amended notice and amended plans are not filed immediately upon completion of minor changes in equipment, such as general repairs, changes in pipe lines, or the addition or removal of a tank, the proprietor must include such changes in the next amended application and plans filed by him: *Provided*, That the Commissioner or the district supervisor may, at any time, in his discretion, require the immediate filing of an amended application and plans covering any change in equipment. (Secs. 2873, 3176, I. R. C.)

§ 185.231 *Rate of tax.* The law imposes a tax on distilled spirits produced in, or imported into, the United States at the rate prescribed therein on each proof gallon or wine gallon when below proof, and a proportionate tax at a like rate on all fractional parts of such proof or wine gallon, to be paid when withdrawn from bond. (Secs. 2800 (a), 3176, I. R. C.)

3. This Treasury division shall be effective on the 31st day after its publication in the FEDERAL REGISTER.

(Secs. 2800 (a), 2873, 3176, Internal Revenue Code (U. S. C., title 26, sections 2800 (a), 2873, and 3176))

[F. R. Doc. 8091; Filed, Sept. 8, 1948; 8:54 a. m.]

[26 CFR, Part 189]

BOTTLING OF TAX-PAID DISTILLED SPIRITS

NOTICE OF PROPOSED RULE MAKING

A notice is hereby given, pursuant to the Administrative Procedure Act, approved June 11, 1946, that the regulations set forth in tentative form below are proposed to be prescribed by the Commissioner of Internal Revenue with the approval of the Secretary of the Treasury. Prior to the final adoption of such regulations, consideration will be given to any data, views, or arguments pertaining thereto which are submitted in writing, in duplicate, to the Commissioner of Internal Revenue, Washington 25, D. C., within the period of 30 days from the date of this notice in the FEDERAL REGISTER. The proposed regulations are to be issued under the authority of sections 2816, 2829, 2871, and 3176, Internal Revenue Code (26 U. S. C. 2816, 2829, 2871, and 3176).

[SEAL] GEO. J. SCHOENEMAN,
Commissioner of Internal Revenue.

1. Sections 189.7, 189.14, 189.16, 189.22, 189.35, 189.36, 189.38, 189.39, 189.40, 189.43, 189.44, 189.48, 189.58, 189.62, 189.69, and 189.100 of Regulations 11 (26 CFR, Part 189), relating to the bottling of tax-paid distilled spirits, are amended.

2. These amendments are designed to provide standard graduations for beams of weighing tanks; to simplify requirements dealing with the preparation, filing, and consideration of certain documents required for the qualification and operation of tax-paid bottling houses; to establish procedure for the receipt, for bottling, of distilled spirits from a distillery contiguous to, or in the immediate vicinity of, a tax-paid bottling house; and to facilitate procurement of stamps.

§ 189.7 *Buildings or rooms.* The tax-paid bottling house must be so constructed and equipped as to be suitable for the bottling of spirits. Except as provided in § 189.9 and as to necessary openings for the passage of approved distilled spirits, utility and similar pipe lines, as provided by the regulations in this part Regulations 4 (26 CFR, Part 183) and Regulations 15 (26 CFR, Part 190), the room or building must be completely separated from contiguous buildings or rooms by solid, unbroken partitions and floors of substantial construction. If the tax-paid bottling house is in the same building in which is located an internal revenue bonded warehouse or rectifying plant, the two premises must have no means of interior communication with each other, except by approved pipe lines, and as specifically provided herein. Where a tax-paid bottling house has heretofore been established under the same roof or in the same building with an internal revenue bonded warehouse or a rectifying plant with interior communication between the two premises, it may continue to operate in such location if the revenue will not be jeopardized. When a bottling-in-bond department is operated temporarily as a tax-paid bottling house, as provided by the regulations in this part and Regulations 6 (26 CFR, Part 188), communication between the bottling house and warehouse within the building may continue. (Secs. 2871, 3176, I. R. C.)

§ 189.14 *Weighing tanks.* Where weighing tanks are used for gauging spirits, such tanks shall be constructed of metal and shall be stationary and of uniform dimensions from top to bottom and each such tank shall be equipped with a suitable measuring device whereby the contents will be correctly indicated. Each weighing tank shall be mounted on accurate scales and shall have plainly and legibly painted thereon the words, "Weighing Tank," followed

by its serial number and capacity in wine gallons. The beams or dials of weighing tank scales must indicate weight in 5 pound graduations for scales up to and including 25 tons capacity, in 10 pound graduations for scales exceeding 25 tons capacity but not exceeding 60 tons capacity, and in 20 pound graduations for scales having a capacity of more than 60 tons. (Secs. 2829, 2871, 3176, I. R. C.)

§ 189.16 *Storage tanks.* If distilled spirits are received in tank cars or by pipe line, suitable storage tanks must be provided within which to store such spirits, unless the spirits are run directly into bottling tanks as provided in § 189.58. Each storage tank shall be constructed of metal and be of uniform dimensions from top to bottom, and shall be mounted on accurate scales, or equipped with a suitable measuring device whereby the actual contents will be correctly indicated. There shall be painted on each tank the words, "Storage Tank," followed by its serial number and capacity in wine gallons. Stopcocks must be provided and so arranged as to control completely the flow of spirits, both into and out of the tank. A suitable board shall be provided on each storage tank for the attachment of Forms 1520 and 1440, as hereinafter prescribed. (Secs. 2829, 2871, 3176, I. R. C.)

§ 189.22 *Pipe lines.* Pipe lines used for the conveyance of tax-paid rectified spirits from bottling tanks in a contiguous rectifying plant to bottling tanks in the tax-paid bottling house must be constructed, secured, painted, and marked in accordance with the requirements of Regulations 15 (26 CFR, Part 190). Pipe lines used for the conveyance of tax-paid distilled spirits from the cistern room of a distillery to the bottling tanks or storage tanks in the tax-paid bottling house must be constructed, secured, painted, and marked in accordance with the requirements of Regulations 4 (26 CFR, Part 183). Pipe lines used for the conveyance of distilled water to contiguous establishments operated under the internal revenue laws and regulations must be independent ones, without any connection with any other pipe, tank vessel, or utensil on the tax-paid bottling house premises, except the distilled water storage tank: *Provided,* That where distilled water is to be so conveyed from two or more distilled water storage tanks, the pipe line may be connected with such tanks by permanent manifold connections. Such pipe lines must be constructed of metal and exposed to view throughout their entire lengths. The metal pipe lines in the tax-paid bottling house used for conveying the following substances shall be kept painted in the colors indicated:

Black	Spirits.
White	Water.
Aluminum	Steam.
Orange	Air.
Purple	Refrigerants.

These colors are intended for such pipe lines only and are prescribed for the purpose of distinguishing such pipe lines from each other and from all other pipe lines on the premises which are painted but for which colors are not prescribed. The painting in one of the prescribed colors, or a color similar thereto, of a pipe line for which a color is not prescribed, is prohibited. Pipe lines for which colors are not prescribed may be painted in sections of contrasting colors. (Secs. 2829, 2871, 3176, I. R. C.)

§ 189.35 *Preparation.* Every plat and plan shall be drawn to scale and each sheet thereof shall bear a distinctive title, enabling ready identification. The cardinal points of the compass must appear on each sheet, except the elevational plans. The minimum scale of any plat will not be less than 1/50 inch per foot. Each sheet of the original plat and plans shall be numbered, the first sheet being designated number 1, and the other sheets numbered in consecutive order. Plats and plans shall be submitted on sheets of tracing cloth, opaque cloth, or sensitized linen. The dimensions of plats and plans shall be 15 by 20 inches, outside measurement, with a clear margin of at least 1 inch on each side of the drawing, lettering, and writing. Plats and plans may be original drawings, or reproductions made by the "ditto process," or by blue or brown line lithoprint, if such reproductions are clear and distinct. (Secs. 2816, 3176, I. R. C.)

§ 189.36 *Depiction of premises.* Plats must show the outer boundaries of the tax-paid bottling house premises, in feet and inches, in a color contrasting with those used for other drawings on the plat, and must contain an accurate depiction of the building or buildings comprising the premises and any driveway, public highway or railroad right-of-way adjacent thereto or connecting therewith. The depiction of the premises shall agree with the description in the notice, Form 27–E. If the premises are separated by a public highway or railroad right-of-way, and the tracts of land comprising the premises, or parts thereof, abut on such highway or right-of-way, opposite each other, the different tracts will be depicted separately, in feet and inches. If two or more buildings are to be used, the designated name of each shall be indicated, and all pipe lines or other connections, if any, between the same depicted. Where two or more buildings are used for the same purpose, the name of each such building shall include an alphabetical designation, beginning with "A," and they shall be so shown on the plat. All first floor doors of each building on the premises will be shown on the plat. If the tax-paid bottling house consists of a room or a floor of a building, an outline of the building, the precise location and dimensions of the room or floor, and the means of ingress from, and egress to, a public street or yard shall be shown. Except as provided in § 189.42,, all pipe lines leading to or from the premises, the purpose for which used, and points of origin and termination will be indicated on the plat. (Secs. 2871, 3176, I. R. C.)

§ 189.38 *Floor plans.* The plans shall include a floor plan of each floor of each building, showing the general dimensions of the rooms and floors and the locations of all doors, windows, and other openings, and how such openings are protected. If a portion of a building is used, such as a room or floor, the floor plans will include only that portion and shall also show the means of ingress and egress to the street. All apparatus and equipment, except pipe lines, must be shown in their exact location on the floor plans and their designated use indicated. In the case of water stills, tanks and similar equipment, the serial number and capacity shall also be shown. (Secs. 2871, 3176, I. R. C.)

§ 189.39 *Elevational flow diagrams.* Elevational flow diagrams (plans) shall be submitted covering the flow of spirits from the time of receipt on the premises until the cased spirits are removed from the bottling room. Such diagrams or plans shall clearly depict all equipment in its relative operating sequence and elevation by floors with all connecting pipe lines, valves, flanges, measuring devices and attachments for Government locks. The elevation by floors on the diagrams may be indicated by horizontal lines representing floor levels. All major equipment, such as dump tanks, bottling tanks, filters, etc., must be identified on these plans as to number and use. The elevational flow diagram must be so drawn that all fixed pipe lines, except those indicated by § 189.42, may be readily traced from beginning to end. Other types of drawings that clearly depict the information required herein may be submitted in compliance with this section. (Secs. 2871, 3176, I. R. C.)

§ 189.40 *Pipe lines to rectifying plant or distillery.* The plans shall show pipe lines, if any, connecting the tax-paid bottling house with a rectifying plant or with the cistern room of a distillery for the transfer of tax-paid distilled spirits for bottling. The plans will show the relative location of the bottling house and the distillery or rectifying plant and also the bottling tank or storage tank to which such pipe lines are connected. (Secs. 2871, 3176, I. R. C.)

§ 189.43 *Certificate of accuracy.* The plat and plans shall bear a certificate of accuracy in the lower right hand corner of each sheet signed by the proprietor, the draftsman, and the district supervisor, substantially in the following form:

(Name of proprietor)

(Address)

Accuracy certified by

(Name and capacity—for the proprietor)

(Draftsman)

----------, 19-- Sheet No. ----
(Date)

Approved ----------
(Date)

(District supervisor)

TPBH No. ----

(Secs. 2871, 3176, I. R. C.)

§ 189.44 *Revised plats and plans.* The sheets of revised plats and plans shall bear the same number as the sheets superseded, but will be given a new date. Any additional plats and plans shall be given a new number in consecutive order, or will be otherwise numbered and let-

tered in such manner as will permit the filing of the plats and plans in proper sequence. (Secs. 2871, 3176, I. R. C.)

§ 189.48 *Procedure applicable.* The action by the district supervisor in connection with the establishment, and changes subsequent to establishment, of tax-paid bottling houses will be in accordance with the procedure, in so far as applicable, prescribed by the regulations governing the establishment, and changes subsequent to establishment, of the proprietor's distillery, internal revenue bonded warehouse, industrial alcohol plant, or industrial alcohol bonded warehouse: *Provided*, That where a bottling-in-bond department is operated alternately as a tax-paid bottling house, the district supervisor may authorize change in operations in accordance with Regulations 6 (26 CFR, Part 188). (Secs. 2871, 3176, I. R. C.)

§ 189.58 *Deposit in bottling house.* When spirits are received, the same must be deposited in the tax-paid bottling house. When distilled spirits are received at a tax-paid bottling house in a railroad tank car, or by pipe line from a distillery contiguous to or in the immediate vicinity of the tax-paid bottling house, the same must be transferred or conveyed into storage tanks, unless the spirits are transferred or conveyed directly from the tank car or pipe line to bottling tanks. Distilled spirits may be shipped in tank cars to a tax-paid bottling house only where the bottling house is equipped with suitable railroad siding facilities. (Secs. 2871, 3176, I. R. C.)

§ 189.62 *Disposition of gauge report.* When distilled spirits received in a tank car or by a pipe line from a distillery are run into a storage tank, the report of gauge, Form 1520 in the case of spirits other than alcohol, and Form 1440 in the case of alcohol, sent to the proprietor of the tax-paid bottling house by the shipper, shall be attached to such storage tank. The proprietor shall enter the date and quantity of removals from the storage tank in a blank space on the report of gauge. The report of gauge shall be kept on the tank until such time as the quantity covered by such report has been withdrawn from the tank. The report shall then be filed by the proprietor, available for inspection by Government officers. If the distilled spirits are transferred directly from the tank car or by a pipe line from the distillery, into a bottling tank, the proprietor shall make a note to that effect on the report of gauge and file it. The requirements of this section shall not preclude bottling of the distilled spirits prior to receipt of Forms 1520 or 1440 when the distilled spirits are received by tank car. (Secs. 2871, 3176, I. R. C.)

§ 189.69 *Unstamped spirits.* When a stamp has been lost or mutilated by accident so that the required portion thereof cannot be returned, an affidavit setting forth all the facts in the case will be made by the proprietor and attached to each copy of Form 230. Where spirits received in tank cars bearing certificate of taxpayment, Form 1595, or spirits received by pipe line from the cistern room of a distillery, or rectified spirits by pipe line from a contiguous rectifying plant, or where spirits in stamped bottles are to be dumped, an explanatory statement will be made in the columns provided for the description of stamps on Form 230, as "Form 1595, Serial No. ___, dated ___, heretofore submitted," or "Form 1520 dated _____, pipe line transfer on Form 1595 Serial No. ____," or "See Form 237, S/N ____ Dated _____," or "In stamped bottles," as the case may be. (Secs. 2871, 3176, I. R. C.)

§ 189.100 *Shipment of stamps.* Where the stamps are to be shipped, the collector will forward the stamps to the Government officer by registered mail or express. The expense of forwarding the stamps by registered mail or express will be borne by the proprietor. The collector may furnish the stamps directly to the proprietor for immediate delivery to the Government officer in accordance with § 189.99a. (Sec. 3176, I. R. C.)

3. This Treasury decision shall be effective on the 31st day after its publication in the FEDERAL REGISTER.

(Secs. 2816, 2829, 2871, and 3176, I. R. C. (26 U. S. C. 2816, 2829, 2871, and 3176))

[F. R. Doc. 48-8090; Filed, Sept. 8, 1948; 8:54 a. m.]

DEPARTMENT OF AGRICULTURE

Production and Marketing Administration

[7 CFR, Part 927]

[Docket No. AO 71-A-16]

NOTICE OF HEARING ON HANDLING OF MILK, NEW YORK METROPOLITAN MILK MARKETING AREA

PROPOSED AMENDMENTS TO THE TENTATIVE MARKETING AGREEMENT AND TO THE ORDER, AS AMENDED

Pursuant to the Agricultural Marketing Agreement Act of 1937, as amended (7 U. S. C., 601 et seq.), and in accordance with the applicable rules of practice and procedure, as amended (7 CFR, Supps., 900.1 et seq., 12 F. R. 1159,, 4904), notice is hereby given of a hearing to be held at the Commodore Hotel, New York, New York, beginning at 10:00 a. m., e. s. t., September 27, 1948 for the purpose of receiving evidence with respect to proposed amendments hereinafter set forth, or appropriate modifications thereof, to the tentative marketing agreement heretofore approved by the Secretary of Agriculture, and to the order, as amended, regulating the handling of milk in the New York metropolitan milk marketing area. These proposed amendments have not received the approval of the Secretary of Agriculture.

Proposed amendments with respect to which evidence will be received are as follows:

1. (Proposed by Production and Marketing Administration) Amend § 927.1 (b) by deleting therefrom the words "or the War Food Administrator,".

2. (Proposed by Production and Marketing Administration) Delete the proviso in § 927.3 (a) (1).

3. (Proposed by Milk Dealers' Association of Metropolitan New York, Inc.) Amend § 927.3 (a) (4) (ii) by changing the "." after the first sentence to a ":" and adding the following: *"Provided*, That approval by a health authority of the plant as a source of milk for the marketing area shall constitute sufficient evidence that this requirement is being met, even though such approval is restricted to prohibit shipment to the marketing area of milk for specified periods during which permission is given by such health authority for receiving unapproved milk or skim milk at the plant or for shipment of approved skim milk from such plant."

4. (Proposed by Independent Milk Marketers, Inc.) Amend § 927.3 (a) (3) (i) to read:

(i) Be willing to ship in the form of milk to the marketing area all milk received at the plant from dairy farmers; and be willing to ship milk received at the plant from dairy farmers in such form as to secure utilization of such milk in a manner to assure the greatest possible return to all producers;

5. (Proposed by Independent Milk Marketers, Inc.) Amend § 927.3 (a) (4) (iv) (b) by changing the next to the last sentence to read: "Such specified classes shall include Class I-A, and Class I-C which is ultimately distributed in the special cream area, in Fairfield County, Connecticut, or in Pennsylvania outside the counties of Allegheny, Beaver, Fayette, Greene, Washington, and Westmoreland to the extent of the amount of milk received by a handler from producers which was ultimately distributed in the same areas during the previous month of June."

6. (Proposed by Independent Milk Marketers, Inc.) Amend § 927.3 (a) (4) (iv) to provide, in addition to the conditions now set forth (in (a), (b), and (c) thereof) under which pool plant designations may be suspended, the following alternative conditions:

(a) There has been issued by the market administrator, and mailed to all handlers operating pool plants, the market administrator's determination that, from all available information, he finds that milk received from producers at pool plants is not being utilized in a manner to assure the greatest possible return to all producers.

(b) Within a period ending not later than the end of the second month after the month during which such notice has been mailed, the market administrator requests a handler operating a plant to make reports to the market administrator with respect to the utilization of milk received at such plant from producers.

(c) On the basis of such report or reports and other available information the market administrator finds such handler is utilizing milk in specified classes in an excessive amount and is thus not utilizing milk received from producers in a manner to assure the greatest possible return to producers.

7. (Proposed by Independent Milk Marketers, Inc.) Amend § 927.3 (a) (4) (v) to provide, in the event the market administrator has issued a determina-

tion pursuant to Proposal No. 6, that pool plant designations may be cancelled under the following conditions:

(a) No pool plant designation shall be cancelled if the handler operating the plant utilized a percentage in the classes specified by the market administrator pursuant to paragraph (c) of Proposal No. 6 of the total milk received by him at all pool plants from producers during the month in which such suspension is made effective which is not more than the percentage of the total milk reported by all handlers to have been received from producers during such month which was reported to have been used in such classes.

(b) In the event that all milk received from producers at a plant is reported to the market administrator by a cooperative association qualified pursuant to § 927.9 (f), and such association pays the producers for such milk, the pool plant designation of such plant shall not be cancelled if the cooperative operating the plant utilized the percentage in the classes specified by the market administrator pursuant to paragraph (c) of Proposal No. 6 of the total milk received by it at all pool plants from producers during the month in which such suspension is made effective which is not more than the percentage of the total milk reported by all handlers to have been received from producers during such month which was reported to have been used in such classes.

8. (Proposed by Milk Handlers and Processors Association, Inc.) Amend § 927.3 (a) (4) (iv) (b) by changing the last two sentences to read: "Such specified classes shall include Class I–A and all or a part of Classes II–A and II–B (except cold storage cream). In addition, such specified classes may include Class I–C but such Class I–C shall be restricted to not more than the percentage of Class I–C in the total milk pooled during the previous month of June."

9. (Proposed by Rockdale Creamery Corporation.) Delete from § 927.3 (a) (4) (iv) (b) the words "and Class I–C to the extent of 50 percent of the milk received by a handler from producers" and substitute therefor "and Class I–C to the extent that the percentage should be the same as utilized by the handler during the months of April, May, and June."

10. (Proposed by Milk Handlers and Processors Association, Inc.) Amend § 927.3 (b) by changing the percentage in the first proviso to 100 percent.

11. (Proposed by Milk Dealers' Association of Metropolitan New York, Inc.) Amend § 927.4 (a) (1) by adding a new sentence between the first and second sentences to read: "Having established the manufacture of cream, such cream may not, in any event, be classified in any class higher than Class II–A."

12. (Proposed by Milk Dealers' Association of Metropolitan New York, Inc.) Amend § 927.4 (a) (3) by changing the "." at the end of the first proviso to a ":" and adding the following: *"Provided further,* That no butterfat shipped to another plant in the form of cream may be classified in a class higher than that which is applicable to cream sold as fluid cream in the area in which such other plant is located, unless such butterfat is reshipped to a plant or a purchaser in another area which would cause its classification into a higher class."

13. (Proposed by Milk Dealers' Association of Metropolitan New York, Inc.) Delete § 927.4 (a) (3) (i).

14. (Proposed by Brunetto Cheese Company.) Delete subdivision (i) of § 927.4 (a) (3); or, as an alternative, amend § 927.4 (a) (3) (i), to provide that milk, cream, and skim milk shipped into the marketing area and utilized in the manufacture of cheese, except Cheddar cheese, be classified in the appropriate class or classes for milk, cream, and skim milk so utilized.

15. (Proposed by L. Daitch and Company, Inc.; Delaware County Dairies, Inc.; and Dan Franklin Dairies, Inc.) Delete subdivision (i) of § 927.4 (a) (3); or, as an alternative, amend § 927.4 (a) (3) (i), to provide that milk, cream, and skim milk shipped into the marketing area and utilized in the manufacture of sour cream, cream cheese, cheese, except Cheddar cheese, or butter, be classified in the appropriate class or classes, for milk, cream, and skim milk, so utilized; or, as an alternative, amend § 927.4 (a) (3) (i), by inserting after the words "in the form of frozen desserts or homogenized mixtures" the words "sour cream, cream cheese, cheese, except Cheddar cheese, or butter"; and by adding at the end of the said subdivision the words: "except where said skim milk is utilized in the manufacture of the products aforesaid, in which event it shall be classified as Class V–B."

16. (Proposed by Brunetto Cheese Company; L. Daitch and Company, Inc.; Delaware County Dairies, Inc.; and Dan Franklin Dairies, Inc.) Amend § 927.4 (c) (13) to read:

(13) Class V–A milk shall be the skim milk in all milk, which skim milk enters the marketing area and is utilized therein in the form of fluid skim milk or cultured or flavored milk drinks containing less than 3 percent butterfat, or which is not accounted for in some product leaving or on hand at a plant.

17. (Proposed by Brunetto Cheese Company; L. Daitch and Company, Inc.; Delaware County Dairies, Inc.; and Dan Franklin Dairies, Inc.) Amend such other portions of the order, including § 927.9 (h), as may be necessary to carry out the intention expressed in Proposals 14, 15, and 16 above of classifying and paying for milk, cream, and skim milk in accordance with its actual utilization.

18. (Proposed by Milk Dealers' Association of Metropolitan New York, Inc.) Amend § 927.4 (a) (3) by adding the following as subdivision (ii) and by changing the numbering of subdivisions (ii) through (vii) to (iii) through (viii):

(ii) If the shipment is in the form of milk to a plant in an area not regulated by another order of the Secretary, the milk shall, in no event, be classified in any class higher than Class I–C, unless such milk is ultimately distributed in the marketing area or in an area regulated by order of the Secretary.

19. (Proposed by Milk Dealers' Association of Metropolitan New York, Inc.) Amend § 927.4 (a) (3) (iv) to read:

(iv) If the shipment is in the form of milk shipped from the plant where received from dairy farmers to a plant outside New York State, Vermont, New Jersey or Pennsylvania, or to a plant in the County of Allegheny, Beaver, Fayette, Greene, Washington, or Westmoreland in Pennsylvania, it shall be classified as Classes I–A, I–B, or I–C if the plant to which the shipment is made is located more than 65 miles from any pool plant.

20. (Proposed by Milk Dealers' Association of Metropolitan New York, Inc.) Amend § 927.4 (a) (3) (v) and (vi) so that, in each instance, the classification in Class II–E or Class II–D shall be dependent upon the fact that the plant to which the cream or plain condensed milk is shipped is located more than 65 miles from any pool plant.

21. (Proposed by Milk Dealers' Association of Metropolitan New York, Inc.) Amend § 927.4 (a) (5) (i) to read:

(i) Milk, cream, plain condensed milk, or skim milk received from pool plants or from producers shall be assigned as far as possible to Class I–A, Class II–A, Class II–B, or Class V–A, if such classification is based on a product shipped to or distributed in the marketing area in the form of milk, cream, plain condensed milk, frozen desserts or homogenized mixtures, skim milk, or cultured and flavored milk drinks.

22. (Proposed by Milk Dealers' Association of Metropolitan New York, Inc.) Amend the order to provide that a manufactured product not otherwise defined or classified in the order shall be defined and classified as follows:

A product which contains 15 percent or more of butterfat, and a smaller amount of milk solids not fat than butterfat, with or without other ingredients, shall be defined as a manufactured cream product, and be classified in Class II–B.

23. (Proposed by Milk Dealers' Association of Metropolitan New York, Inc.) Amend the order to provide that a manufactured product not otherwise defined or classified in the order shall be defined and classified as follows:

A product which contains 7.5 percent or more of butterfat and which is not within the definition of a manufactured cream product, with or without other ingredients, shall be defined as a manufactured whole milk products, and be classified in Class III.

24. (Proposed by Milk Dealers' Association of Metropolitan New York, Inc.) Amend § 927.4 (c) (5) by adding before the words "plain condensed milk" the word "eggnog."

25. (Proposed by Milk Dealers' Association of Metropolitan New York, Inc.) Amend § 927.4 (c) (9) by changing the last clause to read: "or all milk the butterfat from which leaves or is on hand at a plant in the form of cream cheese. If such cream cheese is made from frozen cream, it shall be classified in Class II–F regardless of the location of the plant at

which such cream cheese is manufactured."

26. (Proposed by Milk Dealers' Association of Metropolitan New York, Inc.) Amend § 927.4 (c) (11) by adding the following: "If the butter is manufactured from frozen cream, it shall be classified in Class IV–A, regardless of the location of the plant at which the butter is manufactured."

27. (Proposed by Rockdale Creamery Corporation.) Amend § 927.5 (a) (4) to read:

(4) For Class I–C milk the price shall be the Class I–A price plus 20 cents per hundredweight.

28. (Proposed by Production and Marketing Administration.) Renumber paragraphs (3) through (15) of § 927.5 (a) as (2) through (14), respectively, and change all references to these paragraphs which appear in other parts of the order accordingly.

29. (Proposed by Production and Marketing Administration.) Delete the proviso in § 927.5 (a) (5).

30. (Proposed by Milk Dealers' Association of Metropolitan New York, Inc.) Amend § 927.5 (a) (6) by eliminating the proviso.

31. (Proposed by Milk Dealers' Association of Metropolitan New York, Inc.) Amend § 927.5 (a) (6) to read:

(6) For Class II–B milk the price shall be the Class II–E price.

32. (Proposed by Association of Ice Cream Manufacturers of New York State.) Reconsider the Class II–B price (§ 927.5 (a) (6)).

33. (Proposed by Independent Milk Marketers, Inc.) Amend § 927.5 (a) (6) to read:

(6) For Class II–B milk the price paid during each month shall be 12 cents less than the Class II–A price.

34. (Proposed by Milk Dealers' Association of Metropolitan New York, Inc.) Amend § 927.5 (a) (7) to read:

(7) For Class II–C milk the price shall be the Class II–E price.

35. (Proposed by Milk Dealers' Association of Metropolitan New York, Inc.) Amend § 927.5 (a) (8) to read:

(8) For Class II–D milk the price shall be the Class II–E price.

36. (Proposed by Association of Ice Cream Manufacturers of New York State.) Amend § 927.5 (a) (8) to read:

(8) For Class II–D milk the price during each month shall be the price for Class II–F milk.

37. (Proposed by Milk Dealers' Association of Metropolitan New York, Inc.) Reconsider the proper pricing of Class III milk and the list of evaporated milk plants to be used in computing the average price paid to farmers for 3.5 milk (§ 927.5 (a) (11)).

38. (Proposed by Milk Dealers' Association of Metropolitan New York, Inc.) Amend § 927.5 (a) (11) by eliminating the second proviso.

39. (Proposed by Independent Milk Marketers, Inc.) Amend § 927.5 (a) (11) by changing that portion preceding the last proviso to read:

(11) For Class III milk the price during each month shall be 10 cents higher than the average, computed by the market administrator, of prices as reported to the United States Department of Agriculture, paid during such month to farmers for 3.5 milk at evaporated milk plants at locations listed in this subparagraph: *Provided*, That the Class III price during the months of October, November, and December shall be such average plus 15 cents:

40. (Proposed by Independent Milk Marketers, Inc.) Amend § 927.5 (a) (12) to read:

(12) For Class IV–A milk the price during each month shall be the price for Class II–E milk: *Provided*, That the Class IV–A price during the months of October, November, and December shall be the Class II–E price plus 25 cents.

41. (Proposed by Milk Dealers' Association of Metropolitan New York, Inc.) Amend § 927.5 (a) (12) by eliminating the proviso.

42. (Proposed by Metropolitan Cooperative Milk Producers' Bargaining Agency, Inc.; Eastern Milk Producers' Cooperative Association, Inc.; Dairymen's League Cooperative Association, Inc.; and District 50, United Mine Workers of America.) Amend § 927.5 (a) (13) to read:

(13) For Class IV–B milk the price shall be each month from January to September of each year 95 percent of the price as computed by the market administrator for Class III milk, and each month from October to December of each year 100 percent of the price, as computed by the market administrator, for Class III milk: *Provided*, That if the milk is moved from the plant where received from producers to a cheese factory which is a half mile or more from the first plant, then 12 cents per hundredweight shall be deducted from such price.

43. (Proposed by Milk Dealers' Association of Metropolitan New York, Inc.) Amend § 927.5 (a) (13) by eliminating the second proviso.

44. (Proposed by Rockdale Creamery Corporation.) Amend that portion of § 927.5 (a) (13) preceding the words "subtract 1.5 cents" to read:

(13) For Class IV–B milk the price during each month shall be a price computed by the market administrator as follows: from the average of the highest prices reported daily during each month, by the United States Department of Agriculture in the New York market at wholesale for New York State cheddars or in the absence of such quotations the monthly quotations in the New York City market for Twins.

45. (Proposed by Independent Milk Marketers, Inc.) Amend § 927.5 (a) (13) to read:

(13) For Class IV–B milk the price during each month shall be the price for Class III milk: *Provided*, That the Class IV–B price during the months of October, November, and December shall be the Class III price plus 25 cents.

46. (Proposed by Milk Handlers and Processors Association, Inc.) Amend § 927.5 (a) (15) to read:

(15) For Class V–B milk the price during each month shall be a price computed by the market administrator as follows: from the average of all the hot roller process dry skim milk quotations for "other brands, animal feed, carlots, bags or barrels" and for "other brands, human consumption, carlots, bags, or barrels" (using midpoint of any range as one quotation), published for the delivery period in "The Producers' Price Current", subtract 5 percent, subtract 6 cents, and multiply by 8.3.

47. (Proposed by Milk Dealers' Association of Metropolitan New York, Inc.) In § 927.5 (a) (15) delete the words "subtract 4 cents" and substitute therefor "subtract 7.5 cents."

48. (Proposed by Milk Dealers' Association of Metropolitan New York, Inc.) Amend § 927.5 (c) by changing the phrase, "shortest highway mileage distance from the plant to Columbus Circle, New York City," to "shortest usable highway mileage distance normally traversed by tank trucks from the plant to Columbus Circle, New York City,".

49. (Proposed by Production and Marketing Administration.) Amend § 927.6 (a) (5) by changing the reference "§ 927.8 (e)" contained therein to "§ 927.9 (h)".

50. (Proposed by Milk Dealers' Association of Metropolitan New York, Inc.) Amend the first sentence of § 927.6 (c) to read: "On or before the last day of the period for establishing classification pursuant to § 927.4 (a) (2), or, if earlier, not later than 15 days prior to the date of final removal of the cream from storage, the handler separating the milk, the cream from which is subsequently claimed to be classified in Class II–B, shall report to the market administrator, on forms prescribed by the market administrator, information with respect to the storage of cream as a basis for Class II–B classification."

51. (Proposed by Milk Dealers' Association of Metropolitan New York, Inc.) Amend § 927.6 (e) by adding the following: "Should the market administrator fail to verify all reports and payments of each handler as above directed, any classification reported and claimed by a handler pursuant to § 927.4 or any payments reported or claimed pursuant to § 927.9 shall be allowed as claimed."

52. (Proposed by Rockdale Creamery Corporation and Mutual Cooperative of Independent Producers, Inc.) Delete § 927.7 (a) (5).

53. (Proposed by Farm Bureau and Conservation Committee of the Board of Supervisors of Sullivan County at the request of milk producers of Sullivan County.) Amend § 927.7 (a) (5) to read:

(5) With respect to milk received from producers, deduct 30 cents per hundredweight at plants in the marketing area and within one hundred miles of the New York market, Columbus Circle, and plants located between one hundred and

one hundred twenty-five miles from the New York market, Columbus Circle, deduct 15 cents per hundredweight, and plants between one hundred twenty-five and one hundred thirty-five miles from New York market, Columbus Circle, deduct 10 cents per hundredweight, and plants located between one hundred thirty-five and one hundred forty-five miles from New York market, Columbus Circle, deduct 5 cents per hundredweight.

54. (Proposed by Moon's Dairy.) Amend § 927.7 (a) (5) to include Catskill, New York.

55. (Proposed by Dairymen's League Co-operative Association, Inc.) Delete the second and third provisos in § 927.8 (a).

56. (Proposed by Production and Marketing Administration.) Amend § 927.8 (c) by deleting therefrom the phrase, "except Class I–B,".

57. (Proposed by Milk Dealers' Association of Metropolitan New York, Inc.) Amend § 927.9 (g) to read:

(g) *Storage cream payments.* With respect to butterfat in frozen cream held in one or more licensed cold storage warehouses for more than 28 days under the conditions set forth in § 927.4 (c) (5), the handler operating the plant at which was separated the milk, the cream from which is subsequently claimed to be classified in Class II-B, may make claim, on forms supplied by the market administrator, for payments out of the producer settlement fund, if such butterfat was received from producers during the months of April to September, inclusive, and was assigned, in accordance with the provisions of the rules and regulations issued by the market administrator pursuant to § 927.4 (b) hereof, to Classes II-D, II-E, or II-F during the months of July to March, inclusive, or to Class IV-A during the months of January to March, inclusive. The market administrator shall, after investigation and audit of such claim, make payment to such handler out of the producer settlement fund, or issue credit against balances due from such handler to the producer settlement fund, in an amount equal to the difference between the Class II-B price for 3.5 milk in the zone in which is located the plant at which the milk was separated and the class price (for 3.5 milk) for such assigned utilization in the zone in which is located the plant at which the milk was separated. The Class II-B price and the class price for such assigned utilization shall be the prices in effect for the month during which the milk was received from producers. The quantity of milk in the frozen cream shall be determined by dividing the pounds of fat in the frozen cream by 0.035. Claims pursuant to this paragraph shall be made not later than ninety (90) days after the month during which such frozen cream is utilized: *Provided,* That, if the market administrator, upon audit, makes any changes that affect the reported utilization of such frozen cream, either new or corrected claims may be made during a period ending not later than ninety (90) days after notice by the market administrator of such changes. Any claim pursuant to this paragraph may be assigned, by the handler who would otherwise be entitled to receive payment pursuant to such claim, to another purchaser of the frozen cream, provided notice is received by the market administrator of such assignment prior to the payment of any such claim.

58. (Proposed by Association of Ice Cream Manufacturers of New York State.) Amend the last sentence of § 927.9 (g) to read: "Claims pursuant to this paragraph shall be made not later than ninety (90) days after the month during which such frozen cream is utilized: *Provided,* That if the market administrator, upon audit, makes any changes in such claims, new or corrected claims may be made by the handler during a period ending not later than ninety (90) days after notice by the market administrator of such changes."

59. (Proposed by Rockdale Creamery Corporation.) Delete § 927.9 (g).

60. (Proposed by Milk Dealers' Association of Metropolitan New York, Inc.) Reexamine storage cream payments on Classes II–D, II–E, and II–F (§ 927.9 (g)).

61. (Proposed by Association of Ice Cream Manufacturers of New York State.) Amend § 927.9 (h) (1) and (2), by deleting all references to Class II–B milk and milk products.

62. (Proposed by Breakstone Brothers, Inc.) Amend the order to provide that sour cream manufactured from storage cream from other than producer sources be designated as Class II–B cream for the purposes of computing the payments required under § 927.9 (h).

63. (Proposed by Milk Dealers' Association of Metropolitan New York, Inc.) Amend § 927.9 (h) so as to provide that no payments shall be made by handlers to producers, through the producer settlement fund, for milk, cultured or flavored milk drinks, cream, plain condensed milk, or skim milk which is permitted to come into the marketing area from dairy farmers who are not producers, under any order issued by any health authority (local or State) having jurisdiction over the sale of such products in the marketing area.

64. (Proposed by Production and Marketing Administration.) Delete § 927.11, renumber § 927.12 and § 927.13 as 927.11 and 927.12, respectively, and add a new paragraph (d) to § 927.5 to read:

(d) *Use of equivalent prices.* If for any reason a price (or prices) for milk or any milk product specified in this section or in subparagraphs (1) and (2) of § 927.2 (e) for use in computing and announcing class prices and for other purposes is not reported or published in the manner therein described, the market administrator shall use a price determined by the Secretary to be equivalent to or comparable with the price specified.

Copies of this notice of hearing and of the said tentative marketing agreement and of the order, as amended, now in effect, may be procured from the Market Administrator, 205 East 42nd Street, New York, New York, or from the Hearing Clerk, United States Department of Agriculture, Room 1844, South Building, Washington 25, D. C., or may be there inspected.

Dated: September 2, 1948.

[SEAL] JOHN I. THOMPSON,
Assistant Administrator,
Production and Marketing
Administration.

[F. R. Doc. 48–8066; Filed, Sept. 8, 1948; 8:46 a. m.]

NOTICES

FEDERAL TRADE COMMISSION

OIL HEATING INDUSTRY

NOTICE OF HOLDING OF TRADE PRACTICE CONFERENCE

At a regular session of the Federal Trade Commission held at its office in the city of Washington, D. C., on the 3d day of September 1948.

Notice is hereby given that a Trade Practice Conference will be held by the Federal Trade Commission for the Oil Heating Industry of the New England States Trade Area in the Georgian Room, Hotel Statler, Park Square, Boston, Massachusetts, on September 30, 1948, commencing at 10 a. m., eastern standard time.

The industry for which the conference is called is composed of persons, firms, corporations, or organizations engaged in the retail sale and distribution of oil burners and accessories (theremostat controls, tanks, etc., but not radiators, ducts, etc.) and oils for use in heating. All members of such industry are cordially invited to attend or be represented at the conference.

The conference and further proceedings in the matter will be directed toward the eventual establishment and promulgation by the Commission of trade practice rules for the industry under which unfair methods of competition, unfair or deceptive acts or practices, and other trade abuses, may be eliminated and prevented.

By direction of the Commisssion.

[SEAL] WM. P. GLENDENING, Jr.,
Acting Secretary.

[F. R. Doc. 48–8076; Filed, Sept. 8, 1948; 8:49 a. m.]

NATIONAL MILITARY ESTABLISHMENT

Department of the Army

ORGANIZATION AND PROCEDURES OF THE CIVIL AFFAIRS DIVISION

LEGISLATION FOR MONETARY REFORM IN GERMANY

The legislation for monetary reform in Germany, which was published in 13 F. R. 4965, 26 August 1948, is amended by changing section 3.106 (o) (1) to read as follows:

SEC. 3.106 *Law No. 63—Third law for Monetary Reform (Conversion Law).* * * *

(o) *Article 15; liabilities to United Nations Nationals.* (1) The provisions of paragraphs (m) through (y) of this section shall apply to Reichsmark liabilities to United Nations Nationals, unless the United Nations creditor refuses a payment tendered or made in accordance with the provisions of this section, or objects by a declaration made to the debtor on or before October 20, 1948, against the conversion of the debt into Deutsche Marks as provided by this section.

[CSCAD, Sept. 1, 1948] (R. S. 161; 5 U. S. C. 22)

[SEAL] EDWARD F. WITSELL,
Major General,
The Adjutant General.

[F. R. Doc. 48-8073; Filed, Sept. 8, 1948; 8:49 a. m.]

SECURITIES AND EXCHANGE COMMISSION

[File No. 812-552]

MORRIS PLAN CORP. OF AMERICA ET AL.

NOTICE OF APPLICATION

At a regular session of the Securities and Exchange Commission held at its offices in the city of Washington, D. C., on the 2d day of September A. D. 1948.

In the matter of the Morris Plan Corporation of America, American General Corporation, the Barnett National Bank of Jacksonville, Trustee, and Courts P. Kendall; File No. 812-552.

Notice is hereby given that the Morris Plan Corporation of America (Morris Plan), with its principal place of business at 103 Park Avenue, New York, New York, has filed an application pursuant to section 17 (b) of the Investment Company Act of 1940 for an order exempting from the provisions of section 17 (a) of the act, the proposed purchase by Morris Plan from The Barnett National Bank of Jacksonville, Jacksonville, Florida, as Trustee, of 170 shares of the capital stock of Morris Plan Savings Bank (the Bank), 11 Laura Street, Jacksonville, Florida, for an aggregate consideration of $99,655.

Section 17 (a) (1) of the act makes it unlawful for an affiliated person of an affiliated person of a registered investment company, acting as principal, knowingly to sell any security or property to any company controlled by such registered investment company, with certain exceptions not pertinent to this case.

American General Corporation, 420 Lexington Avenue, New York, New York, is a closed-end, non-diversified, management investment company, registered under the act. American General Corporation owns approximately 61% of the common stock of Morris Plan, the only class of stock of Morris Plan entitled to vote. Morris Plan, in turn, owns 20% of the outstanding stock of the Bank. Courts P. Kendall, 3319 Pine Street, Jacksonville, Florida, is the president and a director of the Bank. The Barnett National Bank is trustee of two intervivos trusts, which hold the 170 shares (representing 34% of the shares outstanding) of the capital stock of the Bank to be purchased by Morris Plan, and Courts P. Kendall is a contingent beneficiary under such trusts. The application states that the proposed transaction accordingly involves the sale of securities by an affiliated person of an affiliated person of a registered investment company, to a company controlled by such registered investment company, and requests an order exempting the proposed transaction from the provisions of section 17 (a) (1) of the act.

For a more detailed statement of the matters of fact and law asserted, all persons are referred to said application which is on file in the offices of the Commission in Washington, D. C.

Notice is further given that an order granting the application, in whole or in part and upon such conditions as the Commission may deem necessary or appropriate, may be issued by the Commission at any time after September 20, 1948, unless prior thereto a hearing upon the application is ordered by the Commission, as provided in Rule N-5 of the rules and regulations promulgated under the act. Any interested person may, not later than September 17, 1948, at 5:30 P. M., submit to the Commission in writing his views or any additional facts bearing upon this application or the desirability of a hearing thereon, or request the Commission in writing that a hearing be held thereon. Any such communication or request should be addressed: Secretary, Securities and Exchange Commission, 425 Second Street, N. W., Washington 25, D. C., and should state briefly the nature of the interest of the person submitting such information or requesting a hearing, the reasons for such request, and issues of fact or law raised by the application which he desires to controvert.

By the Commission.

[SEAL] NELLYE A. THORSEN,
Assistant Secretary.

[F. R. Doc. 48-8067; Filed, Sept. 8, 1948; 8:46 a. m.]

[File No. 70-1837]

THE NORTH AMERICAN CO. AND UNION ELECTRIC CO. OF MISSOURI

ORDER POSTPONING HEARING

At a regular session of the Securities and Exchange Commission, held at its office in the city of Washington, D. C., on the 1st day of September 1948.

The North American Company ("North American"), a registered holding company, and its subsidiary, Union Electric Company of Missouri ("Union"), a registered holding company and an electric utility company, having filed a joint application and declaration pursuant to the applicable provisions of the Public Utility Holding Company Act of 1935 and the rules and regulations promulgated thereunder regarding the proposed issue and sale by Union of 105,000 additional shares of its common stock to North American, all as summarized in Holding Company Act Release No. 8228; and

The Commission, on May 27, 1948, having issued its notice of filing and order for hearing with respect to said joint application and declaration directing that a hearing be held on July 12, 1948; and

On July 12, 1948, said hearing having been adjourned, at the request of applicants-declarants, until September 14, 1948; and

Applicants-declarants having on August 30, 1948, requested that said adjourned hearing be postponed from September 14, 1948 to October 13, 1948; and

It appearing appropriate to the Commission that such request for postponement should be granted and that the adjourned hearing heretofore scheduled for September 14, 1948, should be postponed until October 13, 1948:

It is ordered, That the adjourned hearing in this matter heretofore scheduled for September 14, 1948, at 10:00 a. m., e. d. s. t., at the office of the Securities and Exchange Commission, 425 Second Street NW., Washington 25, D. C., be, and the same hereby is, postponed to October 13, 1948, at 10:00 a. m., e. s. t., at the same place and before the same hearing officer previously designated. On such day the hearing room clerk in Room 101 will advise as to the room in which such hearing will be held.

By the Commission.

[SEAL] NELLYE A. THORSEN,
Assistant Secretary.

[F. R. Doc. 48-8068; Filed, Sept. 8, 1948; 8:47 a. m.]

[File No. 70-1911]

MISSOURI POWER & LIGHT CO.

ORDER GRANTING APPLICATION

At a regular session of the Securities and Exchange Commission, held at its office in the city of Washington, D. C., on the 1st day of September 1948.

Missouri Power & Light Company ("Missouri"), a subsidiary of North American Light & Power Company ("Light & Power"), which in turn is a subsidiary of The North American Company ("North American"), both registered holding companies, has filed with the Commission an application pursuant to the applicable provisions of the Public Utility Holding Company Act of 1935 ("the act"), regarding the proposal by Missouri to purchase from Central States Edison, Inc. ("Central States"), a nonaffiliate, all of the outstanding capital stock (954 shares) of Gasconade Power Company ("Gasconade"), and a certain

promissory note in the principal amount of $441,490.32 with unpaid interest, payable on demand, bearing interest at 8% per annum, issued by Gasconade and held by Central States, for a cash consideration of $800,000, subject to certain adjustments. The proposed sale of the securities will be made under the terms and conditions of a contract, dated June 22, 1948, between Central States and Missouri, which provides, among other things, that the purchase and sale shall be consummated on or before October 1, 1948, and that the purchase price to be paid for such securities shall be adjusted, at the time of closing, to reflect any increase or decrease since February 29, 1948 in earned surplus, reserve for retirements, interest on the said promissory note, and any loans or advances made by Central States to Gasconade.

The application having been filed on August 2, 1948, and notice of filing having been duly given in the manner and form prescribed by Rule U-23 under said act and the Commission not having received a request for hearing with respect to said application within the period specified in such notice, or otherwise, and not having ordered a hearing thereon; and

The Public Service Commission of the State of Missouri having issued an order authorizing the proposed transactions; and

North American having agreed that the indirect interest in Gasconade which it will acquire by virtue of the foregoing transactions will be held subject to the requirements of the Commission's order of April 14, 1942, pursuant to section 11 (b) (1) of the act, as though North American had been specifically required in said order to sever its relationship with Gasconade; and

The Commission finding that the provisions of section 10 of the act are satisfied and that no adverse findings are necessary under sections 8, 9 and 10 of the act with respect to the proposed acquisition of the securities of Gasconade, and the Commission deeming it appropriate in the public interest and in the interest of investors and consumers to grant said application.

It is ordered, Pursuant to the provisions of Rule U-23 and the applicable provisions of the act that the application be, and the same hereby is, granted, and that the proposed transactions may be consummated forthwith, subject to the terms and conditions prescribed by Rule U-24.

It is further ordered, That the Commission's order of April 14, 1942, requiring, among other things, that The North American Company sever its relationship with Missouri Power & Light Company by disposing or causing the disposition, in any appropriate manner not in contravention of the applicable provisions of the act or the rules and regulations promulgated thereunder, of its direct and indirect ownership, control and holding of securities issued and properties owned, controlled or operated by Missouri Power & Light Company, shall be deemed to require The North American Company to sever its relationship with Gasconade Power Company with the same force and effect as if said order had specifically ordered the disposition by The North American Company of its interest in Gasconade Power Company.

By the Commission.

[SEAL] NELLYE A. THORSEN,
Assistant Secretary.

[F. R. Doc. 48-8069; Filed, Sept. 8, 1948; 8:47 a. m.]

DEPARTMENT OF JUSTICE

Office of Alien Property

AUTHORITY: 40 Stat. 411, 55 Stat. 839, Pub. Laws 322, 671, 79th Cong., 60 Stat. 50, 925; 50 U. S. C. and Supp. App. 1, 616; E. O. 9193, July 6, 1942, 3 CFR, Cum. Supp., E. O. 9567, June 8, 1945, 3 CFR, 1945 Supp., E. O. 9788, Oct. 14, 1946, 11 F. R. 11981.

[Vesting Order 11592]

LOUIS HOLLWEG

In re: Trusts under deeds of Louis Hollweg, grantor, dated June 6, 1923. File No. D-28-376-G-1.

Under the authority of the Trading With the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Ernst Lochmann, Auguste Lochman, Sophie Lochman, Elizabeth Lochman, Ida Kuhlmann, Dora Kuhlmann, Auguste Kuhlmann and Louise Kuhlmann, whose last known address is Germany, are residents of Germany and nationals of a designated enemy country (Germany);

2. That all right, title, interest and claim of any kind or character whatsoever of the persons identified in subparagraph 1 hereof, and each of them, in and to and arising out of or under that certain trust agreement dated June 6, 1923, (known as the Lochmann Trust) made by Louis Hollweg, as grantor, and that certain trust agreement dated June 6, 1923, (known as the Kuhlmann Trust) made by Louis Hollweg, as grantor, presently being administered by Ferdinand L. Hollweg, Successor-Trustee, 2445 Park Avenue #4, Indianapolis 5, Indiana,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by, the aforesaid nationals of a designated enemy country (Germany);

and it is hereby determined:

3. That to the extent that the persons identified in subparagraph 1 are not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on July 2, 1948.

For the Attorney General.

[SEAL] HAROLD I. BAYNTON,
Deputy Director,
Office of Alien Property.

[F. R. Doc. 48-8078; Filed, Sept. 8, 1948; 8:50 a. m.]

[Vesting Order 11649]

KATIE LIERK

In re: Estate of Katie Lierk, deceased. File D-28-11604; E. T. sec. 15316.

Under the authority of the Trading With the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Anna Keil, whose last known address is Germany, is a resident of Germany and national of a designated enemy country (Germany);

2. That all right, title, interest and claim of any kind or character whatsoever of the person named in subparagraph 1 hereof in and to the Estate of Katie Lierk, deceased, is property payable or deliverable to, or claimed by, the aforesaid national of a designated enemy country (Germany);

3. That such property is in the process of administration by Guy R. Wheeler, as administrator, acting under the judicial supervision of the Probate Court of the State of Ohio, in and for the County of Cuyahoga;

and it is hereby determined:

4. That to the extent that the person named in subparagraph 1 hereof is not within a designated enemy country, the national interest of the United States requires that such person be treated as a national of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on July 19, 1948.

For the Attorney General.

[SEAL] HAROLD I. BAYNTON,
Deputy Director,
Office of Alien Property.

[F. R. Doc. 48-8079; Filed, Sept. 8, 1948; 8:50 a. m.]

[Return Order 177]

ARKADY FIEDLER

Having considered the claim set forth below and having issued a Determination allowing the claim which is incorporated by reference herein and filed herewith,

It is ordered, That the claimed property, described below and in the Determination, including all royalties accrued thereunder and all damages and profits recoverable for past infringement thereof, be returned after adequate provision for taxes and conservatory expenses:

Claimant and Claim No.; Notice of Intention to Return Published; Property

Arkady Fielder, 19 Horusey Rise, London N. 19, England, Claim No. 3407; July 21, 1948 (13 F. R. 4170); Property to the extent owned by claimant immediately prior to the vesting thereof, described in Vesting Order No. 4031 (9 F. R. 13780, November 17, 1944) relating to the literary work "Koscuisko Squadron 303" (listed in Exhibit A of said vesting order), including royalties pertaining thereto in the amount of $552.74.

Appropriate documents and papers effectuating this order will issue.

Executed at Washington, D. C., on September 2, 1948.

For the Attorney General.

[SEAL] MALCOLM S. MASON,
Acting Deputy Director,
Office of Alien Property.

[F. R. Doc. 48-8084; Filed, Sept. 8, 1948; 8:50 a. m.]

[Vesting Order 11901]

SOPHIE BUNDT

In re: Interest in real property, property insurance policies and a claim owned by Sophie Bundt, also known as Sophie Bundtz.

Under the authority of the Trading With the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Sophie Bundt, also known as Sophie Bundtz, whose last known address is 16 Walldorf-Hessen Gartenstrasse 23, Germany, is a resident of Germany, and a national of a designated enemy country (Germany);

2. That the property described as follows:

a. An undivided one-half (½) interest in real property, situated in the City of Pittsburgh, Allegheny County, Pennsylvania, particularly described in Exhibit A, attached hereto and by reference made a part hereof, together with all hereditaments, fixtures, improvements and appurtenances thereto, and any and all claims for rents, refunds, benefits or other payments, arising from the ownership of such property,

b. All right, title and interest of Sophie Bundt, also known as Sophie Bundtz, in and to the following described insurance policies:

Fire and Extended Coverage Policy No. 342410, issued by The American Insurance Company of Newark, New Jersey, 15 Washington Street, Newark 1, New Jersey, in the amount of $2,500, which policy expires April 1, 1950, and insures the property described in subparagraph 2-a hereof, and

Fire and Extended Coverage Policy No. 380564, issued by United Firemen's Insurance Company of Philadelphia, 55 Fifth Avenue, New York, New York, in the amount of $2,500.00, which policy expires August 2, 1949, and insures the property described in subparagraph 2–a hereof, and

c. That certain debt or other obligation, owing to Spohie Bundt, also known as Sophie Bundtz, by Allegheny Trust Company, Philadelphia, Pennsylvania, arising out of her share of the rentals collected on the property described in subparagraph 2–a hereof, and any and all rights to demand, enforce and collect the same,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by the aforesaid national of a designated enemy country (Germany);

and it is hereby determined:

3. That to the extent that the person named in subparagraph 1 hereof is not within a designated enemy country, the national interest of the United States requires that such person be treated as a national of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described in subparagraph 2–a hereof, subject to recorded liens, encumbrances and other rights of record held by or for persons who are not nationals of designated enemy countries, and

There is hereby vested in the Attorney General of the United States the property described in subparagraphs 2–b and 2–c hereof,

All such property so vested to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on August 30, 1948.

For the Attorney General.

[SEAL] MALCOLM S. MASON,
Acting Deputy Director,
Office of Alien Property.

EXHIBIT A

All that certain lot or piece of ground situate in the 26th Ward, City of Pittsburgh, County of Allegheny and State of Pennsylvania, being Lot Numbered One (1) and part of Lot Numbered Two (2) in the Plan of Miller and McCain, as recorded in Plan Book Vol. 11, page 5, and being bounded and described as follows, to wit:

Beginning at the northeasterly corner of Burgess Street and Merritt Avenue (formerly Maple Avenue); and extending thence along the Northerly line of said Burgess Street, North 79°41′ East, eighty-nine and thirty-one one-hundredths (89.31) feet, to a point: thence North 57°13′ West, eighty-five and seventy-four one-hundredths (85.74) feet, to the Easterly line of said Merritt Avenue; thence along said Merritt Avenue, South 32°47′ West, ten (10) feet, to the dividing line common to said Lots Numbered One (1) and Two (2); and thence still along the line of said Merritt Avenue, South 10°52′ West, fifty-five (55) feet to the place of beginning.

Having erected thereon a two-story and Mansard frame dwelling house.

Being the same premises which Edward Krebs, widower, by deed dated April 2, 1923, and recorded in the Recorder's Office of Allegheny County in Deed Book Volume 2142, page 508, granted and conveyed to Harry D. McRoberts and Alice J. McRoberts, his wife, parties of the first part hereto.

[F. R. Doc. 48-8059; Filed, Sept. 7, 1948; 8:54 a. m.]

[Vesting Order 10379, as Amended, Amdt.]

TOKUICHI HAMADA ET AL.

In re: Stock in Hamakua Shokwai, Ltd., owned by Tokuichi Hamada and others.

Vesting Order 10379, dated December 19, 1947, as amended, is hereby further amended as follows and not otherwise:

By deleting from subparagraph 5 thereof the words and figures, Seventy-six (76) and substituting therefor the words and figures Seventy-five (75) and also by deleting the figure 4 from Certificate Number 194 and substituting therefor the figure 5 and by deleting the figure 3 appearing opposite Certificate Number 194 and substituting therefor the figure 2.

All other provisions of said Vesting Order 10379, as amended, and all actions taken by or on behalf of the Attorney General of the United States in reliance thereon, pursuant thereto and under the authority thereof are hereby ratified and confirmed.

Executed at Washington, D. C., on August 20, 1948.

For the Attorney General.

[SEAL] DAVID L. BAZELON,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 48-8062; Filed, Sept. 7, 1948; 8:54 a. m.]